

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**AUGUST 19, 2002**

**INGRAM OFFICE BUILDING**  
**7900 HICKMAN ROAD**  
**CLIVE, IOWA**

## TABLE OF CONTENTS

Call to Order .....	1
Members Present.....	1
Members Absent .....	1
Adoption of Agenda.....	1
APPROVED AS AMENDED .....	1
Approval of Minutes .....	1
APPROVED AS PRESENTED .....	1
Director's Report .....	2
INFORMATIONAL ONLY .....	2
Update - Iowans' Solid Waste Management Opinion and Behavior Study Report.....	2
INFORMATION ONLY .....	3
Public Participation .....	3
Scott Smith.....	4
Elizabeth Horton-Plasket.....	4
Hugh Espey .....	4
Erin Jordahl .....	5
Bob Mulqueen .....	5
Contract – The Energy Group – Marketing the Iowa Energy Bank Program for Schools.....	5
APPROVED AS PRESENTED .....	7
Contract –MSB Associates, Inc - Iowa Interconnection Standards Development .....	7
APPROVED AS PRESENTED .....	9
Contract - Solid Waste Alternatives Program – Recommendations .....	9
Notice of Intended Action – Chapter 103, "Sanitary Landfills" (Rescission) Chapter 103, “Sanitary Landfills: Coal Combustion Residue”; Chapter 112, “Sanitary Landfills: Biosolids Monofills”; Chapter 113, “Sanitary Landfills: Municipal Solid Waste”; Chapter 114, “Sanitary Landfills: Construction & Demolition Wastes”; and Chapter 115, “Sanitary Landfills: Industrial Monofills” (New) Chapter 102, Permits; and Chapter 110, Design, Construction and Operation Standards for Solid Waste Management Facilities (Revision).....	10
APPROVED AS PRESENTED .....	11
Contract – University Hygienic Laboratory – 2002 Cooperative Groundwater Network .....	12
APPROVED AS PRESENTED .....	13

Intended Use Plan - Drinking Water State Revolving Fund - FY 2002/2003.....	13
APPROVED AS PRESENTED.....	13
Contract – University of Iowa - 2003 Laboratory Certification .....	13
APPROVED AS PRESENTED.....	14
Contract – Iowa Lakes Mapping and Sediment Cores Study Project – USGS Joint Funding Agreement.....	14
APPROVED AS PRESENTED.....	15
Notice of Intended Action - Chapter 65 – Animal Feeding Operations (County construction evaluation resolutions) .....	15
APPROVED AS PRESENTED.....	16
Appointment.....	16
John Schultz.....	16
Laura Friest .....	17
Notice of Intended Action - Chapter 28 “Ambient Air Quality Standards” (Ambient Air Sampling Manual) .....	17
APPROVED AS PRESENTED.....	19
Final Rule - Chapter 133 – Rules for Determining Cleanup Actions and Responsible Parties (Procedures and criteria for determining, valuing, and recovering compensation for damages to natural resources).....	19
Referral to the Attorney General.....	20
REFERRED.....	20
Update – Contracts under \$25,000 with Ames Environmental, Inc and Iowa Prison Industries...20	
INFORMATION ONLY .....	21
Proposed Rule – Chapter 107, Beverage Container Deposits.....	22
INFORMATION ONLY .....	23
Update - 2002 Section 303(d) List.....	23
INFORMATION ONLY .....	24
Monthly Reports .....	24
INFORMATION ONLY .....	48
General Discussion .....	48
Next Meeting Dates .....	48
Adjournment.....	49



## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Murphy at 10:00 a.m. on Monday, August 19, 2002, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

James Braun  
Lori Glanzman  
Kathryn Murphy, Chair  
Gary Priebe, Vice Chair  
Kelly Tobin  
Terrance Townsend – Arrived at 10:50  
Rita Venner, Secretary

### MEMBERS ABSENT

Lisa Davis Cook  
Darrell Hanson

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment – John Schultz and Laura Friest – Discharge permit for the new Postville industrial waste water treatment plant – 1:00 p.m.
- Add: Item 13 – Contract – Iowa Lakes Mapping and Sediment Core Study Project – USGS Joint Funding Agreement
- Add: Item 18 – Update - Beverage Container Deposits – Proposed Revisions to Chapter 107

*Motion was made by Lori Glanzman to approve the agenda as amended. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS AMENDED**

Kathryn Murphy said Lisa Davis Cook and Darrell Hanson would be unable to attend the meeting and Terry Townsend would be arriving late.

### APPROVAL OF MINUTES

*Motion was made by Rita Venner to approve the minutes as presented. Seconded by Gary Priebe. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**DIRECTOR'S REPORT**

Deputy Director Liz Christiansen said that Director Vonk would be unable to attend because of a schedule conflict.

<b>INFORMATIONAL ONLY</b>
---------------------------

**UPDATE - IOWANS SOLID WASTE MANAGEMENT OPINION AND BEHAVIOR STUDY REPORT**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Energy and Waste Management Bureau contracted with the University of Northern Iowa, Center for Social and Behavioral Research (UNI) to assess adult Iowans' awareness and understanding of issues related to solid waste management including waste reduction, recycling, and pollution prevention. UNI conducted 817 completed telephone surveys of Iowa residents 18 years of age or older.

This survey is the final phase of a three-phase approach to developing a statewide education and awareness program designed to educate Iowans on solid waste management, the relationship between everyday activities and human health and the environment. Phase One and Phase Two of the statewide program involved determining what solid waste management information is currently being presented to Iowans and what is the most cost effective and efficient method for delivering these messages.

Attached is a brief summary of key findings of the general awareness survey. A presentation of the survey and a copy of the full survey report will be provided to the Commission at their August meeting.

**Executive Summary****General Attitudes and Behaviors**

- Approximately 10% of Iowans reported that they are members of environmental groups, and about one-fourth (24%) had made financial contributions to environmental groups in the recent past.
- The overwhelming majority of Iowans (87%) put at least some emphasis on environmental awareness within their household.

**Recycling Programs**

- Eight in ten (80%) Iowans reported that it is very important to use recycling programs regularly.
- Most Iowans (56%) report that they recycle within their household because it is good for the environment.
- Paper recycling is mentioned by almost two-thirds (64%) of Iowans as the environmental action they take at home to protect the environment.
- Drop-off recycling was the most common recycling program reported as being offered in Iowa communities.
- The most typically cited barrier to recycling was the "hassle" of sorting or storing items which was cited by half (50%) of the respondents.

- More than three-quarters of Iowans can recycle plastic (80%) and more than two-thirds report that they can recycle glass (68%) in their community. The most frequently reported recycled items were plastic containers (78%), magazines (66%) and glass containers (66%).
- About six out of ten (59%) Iowans had heard or seen information about recycling or waste reduction in their community.
- Almost seven in ten Iowans (69%) believe that the proportion of households in Iowa that recycle regularly has increased.

**Waste Reduction Attitudes and Behaviors**

- A majority of Iowans said that fees should depend on the amount of trash that a household produces (56%), whereas 39% said everyone should be charged the same.
- Expansion of the bottle bill to include other beverage containers received the strongest support as a means of reducing waste at landfills nearing capacity (endorsed by 86%).

Nearly three quarters (72%) of Iowans said that it is very important for Iowa to

(A copy of the actual survey is available in the Department's Record Center and the complete final report will be posted to the Energy and Waste Management Bureau website.)

Tom Anderson said the Department entered into a contract with the University of Northern Iowa to perform a survey on Iowan's general knowledge of environmental issues. He said Mary Losch from the Center for Social and Behavioral Research at UNI would present the results of that survey. The survey was the final research phase of a three phase effort to develop a consistent environmental message and to direct limited resources to those areas most in need and in an efficient and effective manner. The first phase was to find out what recycling coordinators are presenting to the public. Phase two determined what delivery methods would be the most effective in getting the message out. Phase three was designed to determine Iowan's environmental awareness, behavior, and opinions on issues related to solid waste management.

Mary Losch reviewed the methodology and the results of the survey. She said the survey found that there is no strong consensus on a specific environmental issue facing the state; attitudes toward recycling are positive and consistent. She said the survey found that the recollection of seeing or hearing information about recycling is not universal and written material is perceived to be the best medium for communication. It found the vast majority supported trash disposal fees based on the amount generated and the most widely supported landfill strategies are the expansion of the bottle bill, followed by mandatory recycling of corrugated cardboard, banning oil filters in landfills, and requiring deposits on tires, large appliances, and electronics.

Tom Anderson said the results of this study will help the Energy and Waste Management Bureau move forward in developing programs and materials and certain aspects of the survey would be of interest to other bureaus within the Department.

<b>INFORMATION ONLY</b>
-------------------------

**PUBLIC PARTICIPATION**

Chairperson Kathryn Murphy called for public participation at 10:30 a.m.

**Scott Smith**

Scott Smith said he was representing Boone County and Iowa Society of Solid Waste Operators (ISOSWO). He said when he was with Metro Waste Authority approximately ten years prior, they performed a telephone study similar to the one done by UNI involving Polk County residents and obtained very similar results. He said the school outreach programs were designed to help build and ethic in school age children. It was not designed to create a distribution system to the parents of the children. He said he had just completed an eight page recycling guide for Boone County area residents that will be distributed to every household through the newspaper; therefore he is glad to see the results of the survey stating that written material was the best method of distribution for recycling information.

**Elizabeth Horton-Plasket**

Elizabeth Horton-Plasket, Executive Director of Iowa Environmental Council (IEC) said she would like to comment on the Notice of Intended Action for the Ambient Air Quality Standards that was passed in July and the Notice of Intended Action for the Sampling Manual being considered at this meeting. She said allowing each CAFO seven days to exceed the hydrogen sulfide and ammonia limits with no notice, along with the requirement of continuous monitoring will make the monitoring plan expensive and difficult to enforce and may not provide for the protection of neighbors. Secondly, the Ambient Air Quality Standards rules state that "If the Department determines that a violation of the standards exists, the Department may conduct an investigation to trace the source of the airborne pollutant." However the rules being considered at this meeting states that valid monitoring days require 18 hours of recorded data, and only continuous monitoring is valid. With these requirements only a few sites can be monitored and it is unclear whether or not a DNR official, after verifying seven exceedances at a separated location, can conduct an investigation. In closing she said would like to thank the Department for their work on Chapter 133, which IEC believes is a positive step toward assigning a more realistic value to the loss of wildlife and natural resources as a result of water pollution.

**Hugh Espey**

Hugh Espey from Iowa Citizens for Community Improvement (ICCI) said he had some questions that he would like the staff to answer. 1. Why the odor standard was not being pursued? 2. Why was the 48 hour notice left out of the rules for the seven exceedances? 3. Are hourly or daily averages used when computing violations?

Terry Townsend arrived at 10:39 a.m.

Chairperson Kathryn Murphy asked if the staff was prepared to answer Mr. Espey's questions at this time.

Catharine Fitzsimmons said these questions pertain to the notice of intended action that had come before the Commission in July. She said she would like to obtain a copy of that rulemaking prior to responding.



**Erin Jordahl**

Erin Jordahl from the Iowa Chapter of Sierra Club said she would like to comment on the proposed rulemaking for Chapter 28, Ambient Air Quality Standards and Chapter 133, Rules for determining cleanup action from responsible parties. She said the Iowa Chapter of the Sierra Club supports the Department's proposal to proceed with rulemaking activities with respect to the air sampling manual. They hope that the comments received during the public comment period will be considered and incorporated into the manual. She said they feel that the approval of the air sampling manual will be the first important step on the road to collecting data and eventually implementing and enforcing air quality standards with respect to industrial agriculture. The Sierra Club supports the Department's request to adopt the amendment to Chapter 133. She said while there are still issues that have not been addressed with the rules the Sierra Club realizes that the rules are an excellent attempt by the DNR to codify the procedures and criteria for determining, valuing, and recovering compensation for damages to natural resources.

**Bob Mulqueen**

Bob Mulqueen from the Iowa State Association of Counties said the resolution passed by supervisors to use Master Matrix should be on an annual basis instead of a two year rotation starting in 2005. He said because situations can change they feel they should have the option of its use on a yearly basis. In addition he feels there needs to be some clarification on the question of eight exceedances of the hydrogen sulfide and ammonia standards.

**CONTRACT THE ENERGY GROUP MARKETING THE IOWA ENERGY BANK PROGRAM FOR SCHOOLS**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the contract for services between the Department and The Energy Group to market the Iowa Energy Bank Program to Public and Private Schools. The contract amount is not to exceed \$45,000 for the period September 1, 2002 through June 30, 2003. This expenditure will result in the continued offering of Iowa Energy Bank Program Services to schools including:

- The enrollment of 13 new school districts, area education agencies, community colleges, private colleges or private schools into the program.
- The completion of 11 technical engineering analyses on school buildings.
- The implementation of energy efficiency improvements totaling \$7 million in at least 9 school districts, area education agencies, community colleges, private colleges or private schools.
- The offering of one workshop targeted at school officials to increase knowledge of energy efficiency opportunities.

**Background**

The Energy & Waste Management Bureau works with all public facilities in Iowa to reduce energy costs. Using the Iowa Energy Bank Program, public and non-profit facilities identify and implement all cost-effective energy management improvements with no upfront costs. The program is a partnership between the public and private sector, offering government administration and private financing.

Public and non-profit facilities in Iowa are in need of \$300 million in cost effective energy management improvements. In 1986, Iowa developed a program that would take advantage of the state's experience in implementing energy management programming and the unlimited capital available from the region's investment bankers to allow public and non-profit facilities to start saving on energy costs.

The Iowa Energy Bank has been responsible for the implementation of more than \$150 million in improvements.

- A cumulative total of more than 16 million BTUs have been saved
- The state has avoided the following air emissions:
  - 2,600,000 tons CO<sub>2</sub>
  - 5,500 tons NO<sub>x</sub>
  - 56,500 tons SO<sub>2</sub>
  - 7,000 tons particulate
- The state is currently saving over \$23 million annually on its public sector energy bills. The DNR has spent approximately \$5 million to develop and implement this program, which is offset by program participation fees.

### **Contractor Selection**

The Bureau generally solicits proposals for the marketing of the Energy Bank Program every three years, unless poor performance requires that a new firm be selected before the completion of the three year period. The Energy Group was selected for the marketing of the Iowa Energy Bank Program for schools for fiscal year 2002 (September 2001 through September 2002). This contract will be the second year for The Energy Group to provide these services through this selection process; however, The Energy Group has been successfully providing marketing services for the Energy Bank Program since 1990.

After reviewing the proposals for fiscal year 2002, the review committee selected The Energy Group's proposal. The reasons for the selection included:

- The firm's extensive knowledge and experience in working with Iowa schools and utilities.
- The ability of the firm to secure additional program resources from MidAmerican Energy to supplement the Department's resources for the marketing of the program.
- The firm's past record of successful work with the Iowa Energy Bank Program.

Proposals were also received from Bishop Engineering and Audino and Associates.

No general fund monies will be used to meet these obligations.

At this time, the Department requests Commission approval to enter into a contract with The Energy Group for the marketing of the Iowa Energy Bank Program for schools.

Wayne Gieselman briefed the Commission on the item.

Kathryn Murphy asked where the funds would come from.

Angela Chen from the Energy and Waste Management Bureau said the funds came from "Oil Overcharge Money," which is money that was awarded the State of Iowa from Exxon and other oil companies for overcharges in the 1970's.

*Motion was made by Kelly Tobin to approve the contract as presented. Seconded by James Braun. Motion carried unanimously.*

<b>APPROVED AS PRESENTED</b>
------------------------------

Kathryn Murphy said the Commission would now listen to the Department's responses to Hugh Espey's questions asked during public participation.

Catharine Fitzsimmons said the odor standard was not included in the Notice of Intended Action approved by the Commission at the July meeting because there had been no consensus according to the university study as to what the odor standard should be. The Department is currently planning to include odor in the study to determine what level might be appropriate. She said the 48 hour notification was not included because the Department's interpretation of the university study was that each facility would have an opportunity to provide public notice of seven times a year that they would be exceeding the standard. The Department felt that a person living in any given location might be subject to those seven notifications from many different sources. One of the problems in asking those facilities to notify the people of the potential for being exposed to emissions above the standard is that the facility does not know whether or not they will be exposing someone because there is no way to know what direction the wind will be blowing 48 hours in advance. She said air quality standards are often set so that there are multiple exceedances of a standard before it is said that there is a violation. The report says there are health impacts at a single exceedances but at the same time by allowing seven notifications it is in effect saying that a person could be exposed multiple times before the State would be required to do something about. She said in response to Hugh's final question, if a facility has an exceedance in any one hour in a day it is considered a violation, but there can only be one violation per day. She said in response to Elizabeth Horton-Plasket's question about moving monitors, page one of the Ambient Monitoring Sampling Manual it says that fewer than 18 hourly averages can be used for legitimate data as long as you have measured one hour above the standard. The only time 18 hourly averages would be needed would be to say that there were no exceedances.

Hugh Espey said that ICCI does not agree with allowing any exceedances for these facilities because there is a health effect from these emissions.

Discussion followed regarding the number of monitors.

Hugh Espey asked if the proposed standards were targeted toward confined animal feeding operations over 1000 animal units or if they apply to everyone.

Catharine Fitzsimmons said that these are health standards that apply not only to factory farms but to all sources of air pollutants.

## **CONTRACT MSB ASSOCIATES, INC - IOWA INTERCONNECTION STANDARDS DEVELOPMENT**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the contract for services between the Department and MSB Associates, Inc. (Contractor), to facilitate the discussion on interconnection standards and draft an Iowa standard interconnection agreement for distributed power production. The contract amount is not to

exceed \$40,000 for the period August 26, 2002 through December 31, 2003. This expenditure will result in the development of a draft interconnection standard that could be adopted by the Iowa Utilities Board and used by individuals and businesses to develop more renewable energy facilities or other distributed power production facilities. A sample list of work items the Contractor will perform include, but is not limited to:

- Review interconnection standards from other states and federal government and prepare a summary for the Interconnection Advisory Committee;
- Assist the Department to finalize the selection of Interconnection Advisory Committee membership;
- Arrange and facilitate the meetings with members of the Advisory Committee;
- Draft the interconnection standards based on other similar standards and Advisory Committee's inputs; and
- Disseminate the results of this work to stakeholders and interested parties.

### **Background**

Iowa currently has more than forty renewable energy facilities that are connected to the existing electricity transmission grid. More and more individuals and organizations are interested in investing in renewable energy resources to partially offset their electric demand and to improve environmental quality through reducing the use of fossil fuel generated electricity.

Distributed power generation has the advantage of producing power where it is needed and thus avoid the transmission bottlenecks. However, most of the energy using facilities must be connected to the power grid even if they can produce some of the power by themselves.

Most of these facilities' owners apply for an interconnection agreement with their utility providers which add time and cost to the project. In addition, due to the lack of standard interconnection standards, it is hard for facility owners to estimate the total cost of the project and project's economic viability.

The Bureau is committed to improving the interconnection process to facilitate the future installations of renewable energy projects and other distributed power production projects.

### **Contractor Selection**

The Bureau mailed copies of the RFP to consultants on our mailing list, made the RFP available on our web site, and advertised the RFP in the Des Moines Register for two days. Five proposals were received. A review team consisting of three Bureau staff reviewed the proposals on a number of criteria, including previous experience, quality of the work-plan, and budget.

After reviewing the proposals, the review committee selected MSB Energy Associates, Inc. The reasons for the selection were the firm's excellent previous experience on related projects in the Midwest region, the expertise of their staff and proposed partnership with the Iowa Renewable Energy Association, and the responsiveness of their proposal to the RFP.

No general fund monies will be used to meet these obligations.

At this time, the Department requests Commission approval to enter into a contract with MSB Energy Associates to facilitate the discussions and draft an interconnection standard for distributed power production facilities in Iowa.

Wayne Gieselman said this contract is designed to develop some sort of common ground so that people who are using alternative methods of generating electricity have a way of getting onto the grid.

*Motion was made by Gary Priebe to approve the contract as presented. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **CONTRACT - SOLID WASTE ALTERNATIVES PROGRAM    RECOMMENDATIONS**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Department received seventeen (17) proposals, requesting over \$1,678,000 in financial assistance, for consideration during the July 2002 round of funding. Seven (7) applicant projects were selected. If approved they will receive \$474,125 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The review committee consisted of six persons representing the Energy and Waste Management Bureau (Valerie Drew, Mel Pins), Iowa Society of Solid Waste Operations (Jeff Dworek), Iowa Recycling Association (Floyde Pelkey), and the Iowa Waste Exchange (Bill Pendgraft).

The table below summarizes recommendations by applicant and project type and by the type of award.

<b>Recommended By Applicant Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Local Government	3	\$216,450	\$63,450
Private For Profit	3	\$207,675	\$42,253
Private Not For Profit	1	\$50,000	\$50,000
<b>Recommended By Project Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Best Practices	4	\$257,675	\$92,253
Education	3	\$216,450	\$63,450
Market Development	0	\$0	\$0
<b>Type of Award</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Forgivable loan only	5	\$115,703	\$115,703
Forgivable, Zero, 3% Interest loan	2	\$358,422	\$40,000

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding.

Wayne Gieselman briefed the Commission on the contracts.

Gary Priebe asked if education center being proposed by South Central Iowa Solid Waste Agency would outlive the disposal site therefore leaving an empty building in the middle of nowhere.

A staff member from the Energy and Waste Management Bureau replied that the disposal site has the capacity for approximately one hundred years.

*Motion was made by Terry Townsend to approve the contracts as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**NOTICE OF INTENDED ACTION    CHAPTER 103, "SANITARY LANDFILLS" (RESCISSION) CHAPTER 103, SANITARY LANDFILLS: COAL COMBUSTION RESIDUE ; CHAPTER 112, SANITARY LANDFILLS: BIOSOLIDS MONOFILLS ; CHAPTER 113, SANITARY LANDFILLS: MUNICIPAL SOLID WASTE ; CHAPTER 114, SANITARY LANDFILLS: CONSTRUCTION & DEMOLITION WASTES ; AND CHAPTER 115, SANITARY LANDFILLS: INDUSTRIAL MONOFILLS (NEW) CHAPTER 102, PERMITS; AND CHAPTER 110, DESIGN, CONSTRUCTION AND OPERATION STANDARDS FOR SOLID WASTE MANAGEMENT FACILITIES (REVISION)**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is provided the attached proposed Notice of Intended Action for the rulemaking described therein. This rulemaking was presented to the Commission at its July 2002 meeting as an information item. The rulemaking and rationale supporting these proposed revisions are described as follows.

The Energy and Waste Management Bureau's administrative rules for sanitary landfills affect a multitude of stakeholders and are some of the most complex rules overseen by the department. Sanitary landfills include municipal solid waste (MSW) landfills, construction & demolition waste landfills, industrial monofills, coal combustion residue landfills, and municipal sewage sludge (i.e. biosolids) landfills. These sanitary landfills are currently regulated by IAC Chapters 102 (Permits), 103 (Sanitary Landfills), and 110 (Design, Construction and Operation Standards for Solid Waste Management Facilities).

As directed by the Governor's Executive Order No. 8, the Bureau will be revising the rules pertaining to the permitting, design and operation of all sanitary landfills. The Bureau and the Iowa Society of Solid Waste Operations (ISOSWO) do not believe that the sanitary landfill chapters can successfully be revised if taken on in whole due to the large number of stakeholders and the variety of sanitary landfills covered by the current IAC Chapters 102, 103, and 110. Therefore, the first stage in the landfill chapter revision process is to break out the current requirements by landfill type without making any changes to actual rule requirements. In other words, 'cut-and-paste' current chapters 102, 103, and 110 into the following new administrative code chapters:

- 103, Sanitary Landfills: Coal Combustion Residue**
- 112, Sanitary Landfills: Biosolids Monofills**
- 113, Sanitary Landfills: Municipal Solid Waste**
- 114, Sanitary Landfills: Construction & Demolition Wastes**
- 115, Sanitary Landfills: Industrial Monofills**

No rule requirements will be changed during this transition. Current rules will merely be copied into the new chapters as they apply. To help stakeholders follow where the rules in new IAC Chapters 103, 112, 113, 114, and 115 came from, a guidance document has have been compiled and is attached for the Commission's information.

As part of this rulemaking, current Chapter 110, "Design, Construction and Operation Standards for Solid Waste Management Facilities" will be renamed to Chapter 110, "Hydrogeologic Investigation and Monitoring Requirements" which is a more accurate description of the regulatory requirements described therein. The rulemaking also corrects and updates several references in these chapters, and removes references that are no longer applicable. In addition, references to the chapters described herein contained in other solid waste related rules are revised to reflect this rulemaking. Again, these changes and revisions do not affect or change any of the current regulatory requirements, and the Energy & Waste Management Bureau believes they are the minimum administrative code editing changes necessary.

Please note that since the actual entire rulemaking is over 250 pages, the attached Notice of Intended Action is simply a summary of the proposed rulemaking. The entire rulemaking package will be available at the Commission meeting.

(A copy of the rule is available in the Department's Record Center.)

Wayne Gieselman said the purpose of the rulemaking is to simplify the waste management rules by dedicating one chapter to each type of landfill.

*Motion was made by Rita Venner to approve the Notice of Intended Action as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CONTRACT     UNIVERSITY HYGIENIC LABORATORY     2002 COOPERATIVE  
GROUNDWATER NETWORK**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract for University Hygienic Laboratory analytical services totaling \$140, 875 for the time period of July 1, 2002 through November 30, 2002. The contract is titled: 2002 Cooperative Groundwater Network.

This program is designed to identify water quality trends, identify emerging issues, and document water quality from important aquifers in situations that are both identified as vulnerable and protected by natural conditions throughout Iowa. The purpose of this contract is to obtain chemical analyses from an established network of 90 wells monitored through the past decade as part of a cooperative program between the Iowa Department of Natural Resources (Geological Survey Bureau) and the U.S. Geological Survey (USGS). Existing wells are sampled by USGS staff and brought to the UHL for analysis. New to the program this year is the addition of sixty wells, randomly selected from those completed in the Mississippian Aquifer. These sixty new wells will be rotated from year to year between various groundwater resources of interest and help to identify any existing or potential threats to the water quality in these aquifers. Results from all the samples are published in an annual USGS data publication. Results from the past 10 years will be used to produce a report describing water quality trends. All data will be reported to both the national United States Geological Survey database and in Iowa's STORET database, where it is available to the public on the internet.

Funding for this contract is available from RIIF state funds as a part of the Environment First Fund.

Wayne Gieselman briefed the Commission on the contract.

Gary Priebe asked about the number of contracts with the University Hygienic Laboratory. He asked staff to prepare an outline of the various contracts and the amount of money spent with them in a year to be presented at a future meeting.

Wayne Gieselman suggested that Rick Kelly from UHL might be able to give an overview of what they do for the Department.

Mary Skopec said that UHL aside from running the laboratory analysis; are also doing the majority of the sampling for the stream network, which would be difficult to do by Department staff due to the full time employee cap.

Jim Braun asked what radionuclides were.

Mary Skopec said that most of these are natural compound found in rocks and in groundwater.

<i>Motion was made by Lori Glanzman to approve the contract as presented. Seconded by Terry Townsend. Motion carried unanimously.</i>
---



<b>APPROVED AS PRESENTED</b>
------------------------------

**INTENDED USE PLAN - DRINKING WATER STATE REVOLVING FUND - FY 2002/2003**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Commission approval is requested for the Drinking Water State Revolving Fund (DWSRF) Intended Use Plan (IUP) for FFYs 2002 and 2003. The IUP includes the list of projects proposed to receive loan assistance through the Drinking Water State Revolving Fund for FFYs 2002 and 2003 and is the initial step in preparing a grant request for the 2002 and 2003 DWSRF capitalization grants from EPA. Under the IUP, 28 new projects would receive loan assistance totaling slightly over \$73 million. Loans will be made at an interest rate of 3% for periods up to 20 years.

A draft IUP was presented to the Commission in April and a public hearing was held May 21, 2002 to receive comments on the proposed project priority list. The written comment period closed on May 31, 2002. No comments were received and no changes were made to the project priority list as a result of the public participation process. The only change made to the draft IUP was to make it a combined 2002/2003 IUP to address a number of procedural requirements, including EPA's request for timely submission of the FFY 03 IUP. Due to the restructuring of both the clean water and drinking water SRFs that was recently completed, the time schedule for submitting IUPs slipped and this will get the IUP process back on schedule. Any additional projects for FFY 03 can be added at a later date through an IUP amendment and a solicitation for such additional projects will be sent out later this calendar year.

(A copy of the Intended Use Plan is available in the Department's Record Center.)

Jack Riessen said the submittal of the Intended Use Plan to EPA is required on an annual basis in order for the Department to receive a capitalization grant from EPA. The money from the grant is then used to fund the Revolving Loan fund. He said over the past year and a half the Department has restructured the revolving loan fund, which has resulted in a delay of this year's Intended Use Plan. Therefore the Department is submitting this as the Intended Use Plan for both 2002 and 2003. He said the Department will look for additional projects that could be funded later in the year under the 2003 grant.

<i>Motion was made by Kelly Tobin to approve the Intended Use Plan as submitted. Seconded by Lori Glanzman. Motion carried unanimously.</i>
---

<b>APPROVED AS PRESENTED</b>
------------------------------

**CONTRACT UNIVERSITY OF IOWA - 2003 LABORATORY CERTIFICATION**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve a contract with the University of Iowa's Hygienic Laboratory for Environmental Laboratory Certification services for nine months of SFY2003 (July '02 through March '03).

Analytical data to demonstrate compliance with Department programs must be from certified laboratories. The Department administers a laboratory certification program that assures laboratories performing analytical work meet relevant analytical standards and are qualified to analyze samples. The UHL assists the Department in this regard by conducting on-site visits and evaluations of laboratories requesting certification or re-certification. Program areas covered by the laboratory certification program include drinking water, wastewater, and underground storage tanks.

The amount of the agreement is estimated at \$72,600. The fees paid by laboratories are used to support 100% of the cost of the agreement.

Wayne Gieselman briefed the Commission on the contract.

*Motion was made by Gary Priebe to approve the contract as presented. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **CONTRACT IOWA LAKES MAPPING AND SEDIMENT CORES STUDY PROJECT USGS JOINT FUNDING AGREEMENT**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Commission approval is requested for a Joint Funding Agreement with the U.S. Geological Survey to perform work including lake mapping, sediment volume estimates, sediment coring, and core analysis for three lakes on the Iowa impaired waters list scheduled for total maximum daily load (TMDL) completion in 2002. The three lakes, Lake Darling, Lake Icaria, and Badger Creek Lake are listed for sediment or siltation impairments. The information and bathymetric maps generated by the project will be used to develop sediment TMDLs and to evaluation new methods and procedures. The work will start in August as soon as the agreement is signed and will continue through the end of September 2002.

The Department will provide \$30,000 for the project from a grant it received from EPA's 2002 TMDL Supplemental 104 (b)(3) Fund. The total project cost is estimated at \$60,000, with the remaining \$30,000 being provided by the USGS under a cooperative program.

Mary Skopec said the bathymetric survey of the lake bottom will look at what the geography and geometry of the lake bottom is. This will also determine the amount of sediment that has moved into the lakes. In addition cores will be taken to determine the amount of nutrients that have

settled into the lakes. She said this is a pilot project that is designed to set benchmarks for Iowa lakes.

Kelly Tobin asked when the information gathered by this study would be available to the public.

Mary Skopec said it would be and that the final report is scheduled for mid-October.

Gary Priebe asked if anyone had any record of how much sediment was in the lake 20 years ago.

Mary Skopec said there is sometimes compounds in the sediment that act as indicators, which will allow researchers to estimate when the sediment entered the lake.

*Motion was made by Kelly Tobin to approve the contract as presented. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION - CHAPTER 65 ANIMAL FEEDING OPERATIONS  
(COUNTY CONSTRUCTION EVALUATION RESOLUTIONS)**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve rules for the implementation of county boards of supervisors' construction evaluation resolutions, to give counties the authority to evaluate proposed confinement livestock structure construction in their county. County construction evaluation resolutions, as outlined in Senate File 2293 passed by the 2002 Iowa legislative body, allow counties to score the proposed livestock confinement sites with the master matrix, currently under development by a committee of 10 as designated by the legislation. If the proposed site does not attain a minimum score on the master matrix, the confinement structure will be denied a construction permit, once the DNR, EPC or administrative law judge determines the scoring is correct.

The master matrix, as defined in SF 2293, is a rating system where proposed livestock confinement operations are evaluated on their site location, socio-economic and implementation of "good neighbor" best management practices. The master replaces the interim matrix on March 1, 2003.

(A copy of the rule is available in the Department's Record Center.)

Wayne Gieselman said this rule deals with the County's use of the Master Matrix. He said the Master Matrix would be presented to the Commission at the September meeting.

Robin Pruisner distributed an updated version of the notice of intended action. She said the changes were made in response to recommendations made by the Attorney General's office. In 2003, the enrollment period for the counties who wish to begin using the master matrix in March, runs through the month of February. In 2004 the enrollment period will be the month of January,

which coincides with the general operating procedure of the County Board of Supervisors. Starting in 2005, counties will again enroll during the month of January the enrollment will remain in place for two years, which coincides with the elections for County Board of Supervisors. This rule requires County Board of Supervisors to score everything in the master matrix. In addition the rule requires that when they send their recommendation to the DNR to approve or disapprove an application for a construction permit they must tell the Department the specific reasons they are making the recommendation and if they are basing their recommendation on the master matrix or other comments.

Rita Venner asked if the Department's decision is affected if the county makes their recommendation based on comments instead of running the master matrix.

Robin Puisner answered that, like now, the Department will be required to follow up on the questions and comments received and ensure that the applicant is meeting all the minimum requirements. She said that she had originally wanted to create a rule requiring a county that opted to use the master matrix to apply it to all proposed facilities, however the Department does not have the legal authority to establish that requirement on counties.

Gary Priebe asked if the Department still had the final say on a permit if a county uses the master matrix to make its recommendation.

Robin Puisner answered if the county makes a recommendation to disapprove an application based on the master matrix and the Department disagrees with how the matrix was scored; the Department has the ability to override the county. If the Department agrees with the score the producer can then contest the scoring to the EPC or a District Court Judge.

*Motion was made by Gary Priebe to approve the notice of intended action as presented. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **APPOINTMENT**

### **John Schultz**

John Schultz, Commissioner of the Allamakee County Soil and Water Conservation District said he was there to represent a group of citizens who oppose the granting of a permit currently being considered for Agri-Processors, Inc of Postville, Iowa. The permit application would require a variance to the standards set forth in the Iowa Code. The discharge point would be into an unnamed tributary known to local residents as Hecker Creek, this tributary flows into the Yellow River which is designated as a high quality stream by the Department. He said the City of Postville has two meat processing plants, both of which currently use a series of lagoons owned by the city to treat their waste water. Iowa Turkey Products processes approximately 9 million turkeys per year and Agri-Processors, a kosher plant, processes both beef and chicken using large amounts of salt to draw the blood from the carcasses. A large amount of the salt used in the process is discharged into the plant's wastewater. He said Northeast Iowa is a karst region, which is defined as an irregular limestone region with sinkholes, underground streams and

caverns. The tributary known as Hecker Creek and Yellow River are both classified as losing streams, which means that some or all of the water flowing over the fractured limestone in the streambed is lost to underground water resources. He requested that the Department deny the variances to discharge into a losing stream, to allow tons of salt to be discharged into Hecker Creek, and to allow a zone of dilution in the Yellow River.

### **Laura Friest**

Laura Friest said she was there at the request of the over 1,200 rural and urban landowners, who asked her to explain to the Commission how the surface water in Northeast Iowa goes underground into their wells and will negatively impact the entire county. She said in Northeast Iowa the soil layers are thin and much of the underlying bedrock is fractured limestone. In many cases, particularly in streams and rivers, the bedrock is at the surface. Rainwater causes the cracks in the surface to widen, sometimes wide enough to form extensive cave systems and in some cases it dissolves so much of the limestone that sink holes are formed. In this area surface water and groundwater interchange readily. She said that the DNR has conducted a small study that suggests that current discharges into Hecker Creek are already contaminating groundwater. If this permit is issued, thus setting precedence for this activity, there will be a real risk of contaminating the ground water supply for thousands of rural landowners. According to the proposed permit, Agri-Processors could dump as much as 27,400 pounds of salt per day into Hecker Creek, which according to a study from Iowa State may result in diarrhea, lowered milk production, and weight loss in cattle. Studies also show that with much lower levels of salt than are being proposed as much as 50% of eggs from exposed birds are defective. This area has over 362 species of native and domestic birds. She said the request for a zone of dilution in the Yellow River is prohibited by the Iowa Code that states no zone of dilution will be allowed in a high quality resource cold water stream.

Discussion followed regarding the proposed permit.

Jack Riessen said the Department has been working with the industries in Postville for several years and finally reached the point where something needed to be put out in draft form so that things could move forward. The draft permit was issued and the Department is taking public comment. The Department will then prepare a responsiveness summary of the comments received. He said the final decision has not been made by the Department and he expected there would be a lot of internal discussion prior to any permit being issued.

### **NOTICE OF INTENDED ACTION - CHAPTER 28 AMBIENT AIR QUALITY STANDARDS (AMBIENT AIR SAMPLING MANUAL)**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The attached Notice of Intended Action to amend Chapter 28 "Ambient Air Quality Standards," of Iowa Administrative Code [567] is being presented to the Environmental Protection Commission. Approval to proceed with rulemaking activities is requested.

This proposed rulemaking would establish an Ambient Air Sampling Manual that will be incorporated by reference in Chapter 28 of Iowa Administrative Code [567]. This manual will contain monitor siting requirements, data handling procedures, approved monitoring methods and equipment, and quality

assurance requirements for determining compliance with the proposed hydrogen sulfide and ammonia standards, after December 1, 2004. The manual will not be published in the Iowa Administrative Code but will be available from the department upon request.

A Technical Advisory Group (TAG) consisting of stakeholders and experts in the field of ambient air monitoring was formed to assist with determining monitoring instrumentation and methodology for the confined animal feeding operations (CAFO) comprehensive field study mandated in 455B.166. The group meetings provided attendees a chance to offer recommendations and to suggest alternative methods or approaches to the department. TAG meetings were held on June 11<sup>th</sup> and June 25<sup>th</sup> at the Air Quality Bureau. There was consensus among the TAG group members that the measurement methods for hydrogen sulfide and ammonia proposed by the Department, which are the basis for compliance monitoring in other agricultural states, represent the best currently available monitoring methods for these pollutants.

The Environmental Protection Commission has statutory authority to establish ambient air quality standards on the basis of providing air quality necessary to protect the public health and welfare pursuant to 455B.133(3).

Public hearings on the proposed manual will be held in Atlantic, Des Moines, Mason City, and Spencer. Specific locations, dates and times are provided in the proposed rules. The public hearings in Atlantic, Des Moines, and Mason City will be held in conjunction with the public hearings for the proposed State-Only Ambient Air Quality Standards for hydrogen sulfide and ammonia.

(A copy of the rule and the manual are available in the Department's Record Center.)

Wayne Gieselman said last month the Commission authorized staff to go forward with the rulemaking for ambient air standards for both ammonia and hydrogen sulfide. This was discussed in the context of animal feeding operations but in fact these ambient air standards will apply to any industry or municipality or any livestock facility in the state. He said ambient air standards are aimed at what the air quality should be not at any particular source. In addition to those rules, the Department was charged with through SF 2293 to perform an air quality study of animal feeding operations around the state for which the Department was allocated \$500,000 for equipment and for the man hours to do the study. As part of that effort the Department formed a technical advisory group, of which ICCI was part of. This group developed the protocols for how the study would be performed and this rule defines the protocol that had been developed. He said SF2293 prohibits the Department from enforcement of the ambient air standards until December 1, 2004.

Jim McGraw distributed an updated version of the rule and informed the Commission that the only changes are the dates of the public hearings to be held for this rule. He said because of the length of the manual it will not actually be published in the Iowa Code but will be available from the Department on request. The manual will contain hydrogen sulfide and ammonia, the siting requirements, data handling procedures, monitoring methods and equipment and quality assurance requirements. He said there will be short informational meetings prior to each public hearing.

<i>Motion was made by Kelly Tobin to approve the notice of intended action as presented. Seconded by Terry Townsend. Motion carried unanimously.</i>
--

<b>APPROVED AS PRESENTED</b>
------------------------------

**FINAL RULE - CHAPTER 133 RULES FOR DETERMINING CLEANUP ACTIONS AND RESPONSIBLE PARTIES (PROCEDURES AND CRITERIA FOR DETERMINING, VALUING, AND RECOVERING COMPENSATION FOR DAMAGES TO NATURAL RESOURCES)**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be requested to approve the attached Adopted and Filed Rule, to adopt rules on the subject of natural resource damages claims. The preamble to the rule explains the background, and the Responsiveness Summary is also attached.

(A copy of the rule and responsiveness summary are available in the Department's Record Center.)

Mike Murphy said the public hearing was held in 15 locations via the ICN on July 2, 2002. He said the comments received were favorable.

Gary Priebe asked how much the fees would be raised.

Mike Murphy said in many cases it will not raise the fee at all, however in some cases, for instance when game fish are involved it could increase the costs dramatically.

Gary Priebe asked if the violators are not able to pay the fees as they are, why raise it.

Mike Murphy said while there have been a few occasions that the Department has lowered the amount due to the violator's inability to pay, in most cases the amount is paid. He said this rule change was inspired by comments received over the years that indicated the Department should charge more for game fish. He said part of the law that passed with SF2293 specifically gave the Natural Resource Commission the authority to adopt a rule similar to this one, which occurred at their August meeting. This rule making is an attempt to keep the policies for the Natural Resource Commission and The Environmental Protection Commission the same.

Gary Priebe asked if anyone made comments that were not listed in the responsiveness summary.

Mike Murphy said there was not.

Gary Priebe said he could not vote for this rule change because there is a system in place that has worked for a long time.

<i>Motion was made by Terry Townsend to approve the final rule as presented. Seconded by Rita Venner. The roll call vote went as follows: Lori Glanzman Aye; Gary Priebe No; Kelly Tobin Aye; Terry Townsend Aye; Rita Venner Aye; Jim Braun Aye; Kathryn Murphy Aye. Motion carried with six aye votes and one no vote with two Commissioners absent.</i>
--

**REFERRAL TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief for Enforcement and Compliance Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a) Richard Davis [Knoxville] – air quality/penalty.

Mike Murphy said Richard Davis was issued an administrative order in April of 2002. Mr. Davis did not appeal the order nor did he comply. The Department is seeking payment of the penalty assessed and compliance with the administrative order.

Kelly Tobin asked if the site had been cleaned up.

Mike Murphy said the site remains in the same condition as it was in January.

Jim Braun asked if Mr. Davis was aware the building contained asbestos prior to his beginning the demolition.

Kelly Book, attorney for the Department said that Marion Burnside from the Department of Natural Resources contacted him and told him about the requirements for working with asbestos.

Marion Burnside, Environmental Specialist said he had contact Mr. Davis by phone after going to the site and witnessing that part of the building had collapsed and the portion that remained standing had asbestos containing siding on it. He said he informed Mr. Davis of this and reviewed the rules and procedures for dealing with asbestos. He said it was his understanding that Mr. Davis contacted an asbestos abatement contractor but then proceeded to demolish the building himself. He transported some of the debris into the country where it was burned. He at a later date the building caught on fire due to unknown causes, after which Mr. Davis began cleaning up the scrap iron and pushed the remainder of the building in. Mr. Burnside said he visited the two sites a few weeks ago and that both sites contain debris.

*Motion was made by Gary Priebe to refer to the Attorney General. Seconded by Lori Glanzman. Motion carried unanimously.*

<b>REFERRED</b>
-----------------

**UPDATE    CONTRACTS UNDER \$25,000 WITH AMES ENVIRONMENTAL, INC AND IOWA PRISON INDUSTRIES**



Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

1. Contract with Ames Environmental, Inc., for asbestos training (not to exceed \$20,000)

DNR has observed that many fire departments have not conducted a thorough inspection for asbestos prior to conducting a training fire. A thorough inspection identifies asbestos containing materials so those materials can be removed safely prior to the burn. This can greatly reduce the potential for exposing firefighters and the general public to asbestos.

The DNR hopes to increase the awareness of fire department's regarding the dangers of asbestos exposure, educate inspectors about the number and variety of building materials that can contain asbestos, and cut down on the number of incomplete inspections that are encountered by providing asbestos inspection training courses. The training courses will be funded by a grant from EPA that covers the total cost of the training program. The Iowa Department of Economic Development Small Business Air Quality Liaison is assisting the DNR with the administration of the contract, marketing, logistics, and grant reporting.

Ames Environmental, Inc., will be retained to provide 3-day training courses. The target audience is mainly fire fighters but may be expanded to city building inspectors and other interested personnel. The training will include how to identify suspected asbestos containing materials, sample collection, assessing the condition of asbestos-containing materials and general information on asbestos. Participants who successfully complete the course and pass an exam will be certified asbestos inspectors under AHERA (Asbestos Hazard Emergency Response Act). However, this certification is not required by the air quality asbestos regulations. The IDNR will then generate a list of AHERA certified inspectors to be distributed to local fire departments.

DNR believes this course will increase the awareness of asbestos and reduce the number of incomplete inspections conducted. Better training will also help protect the citizens of Iowa and firefighters from exposure to asbestos fibers that may be released during training fires.

2. Contract with Iowa Prison Industries

In the past, the department has contracted with Iowa Prison Industries (IPI) to provide scanning, data retrieval and related services for the Title V Operating Permit applications. This was necessary to assist the department in saving space and staff resources due to the large volume of the Title V Operating Permit applications. An operating permit application can consist of anywhere from 50 to 8,000 pages of documentation. Most operating permit applications are over 1,000 pages.

The department recently entered into another contract with IPI to provide additional scanning services related to Title V Operating Permit applications. Costs associated with the contract will be paid out of Title V fees. The contract period extends from July 1<sup>st</sup>, 2002 through June 30<sup>th</sup>, 2003, with a maximum billable amount of \$12,000.

Wayne Gieselman briefed the Commission on the item.

<b>INFORMATION ONLY</b>
-------------------------

Wayne Gieselman said the Department would like to update the Commission on the concern that Hal Morton from the Des Moines County Regional Sanitary Landfill had brought up in a letter to the Commissioners.

Jim McGraw said the original issue was whether or not the Des Moines County Regional Sanitary Landfill's use of the proposed landfill expansionary daily cover soil would be considered as beginning construction. He said the landfill is subject to a New Source Performance Standards for Municipal Solid Waste Landfills permit, which means if they in fact did begin construction on their proposed expansion area it would trigger a requirement for them to obtain a Title V operating permit. The Department met with the company on July 25, and it was subsequently determined that construction on that expansion area had not commenced and would not begin for another five to ten years and therefore they did not to obtain a Title V permit. He said in the future the company will need to submit an application within one year of becoming subject to the Title V program which will happen once they begin construction or modification of the expansion area.

### **PROPOSED RULE CHAPTER 107, BEVERAGE CONTAINER DEPOSITS**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

In March of 2002, the Commission passed revised rules relating to beverage container deposits, Chapter 567 IAC 107. In May, the Administrative Rules Review Committee voted to place a 70-day delay on these rules to allow the Attorney General to review 5 portions of the rules relating to 4 issues. Due to a delay in completing this AG's opinion, in July the ARRC put a session delay on all of the revisions to Chapter 107, meaning they were suspended until the 2003 legislative session.

The Attorney General's opinion found that 3 of the objections raised by the Iowa Grocers Industry Association were valid in that the department, and the EPC, was found to have exceeded our authority in enacting these rules. Therefore, the department has been engaged in discussions with the Iowa Grocers Industry Association to develop acceptable rules. The ARRC was informed on August 13<sup>th</sup> that this process is underway and therefore lifted the session delay on all but 5 distinct subrules or rule parts. The ARRC has stated that the session delay is intended to allow for the cooperative development of revised rules and it is no their desire to review the suspended rules during their next legislation session.

In consultation with Joe Royce, attorney for the ARRC, the department has determined the following schedule to be necessary for the required further revisions to Chapter 107.

8/19/02	Present a draft version of the revisions to the EPC and explain the current status
9/16/02	Present a notice of intended action to the EPC
By 09/27/02	File the Notice of Intended Action
10/16/02	Publication of the proposed rules in the Administrative Bulletin and start of public comment period
11/5/02	First possible date for a public hearing and to close the public comment period.
12/16/02	Final Rules adopted emergency, effective on filing

By 12/20/02 File final rules  
1/8/03 Publication of final rules.

This schedule is the only way to complete the rules, with a public comment period, before the next legislative session. It is the clear desire of the Administrative Rules Review Committee and the affected parties that the final rule be in place prior to the convening of the legislature.

Any delay in the schedule set forth above will mean that the session delay is in effect when the session starts, contrary to the expressed desire of the ARRC. The schedule set forth above is designed to allow for the maximum level of notice and public involvement within the time period recommended for action by the ARRC.

(A copy of the rule is available in Department's Record Center.)

Jon Tack reviewed the history of the rulemaking for the Commission. He said the Iowa Grocers Industry Association have offered to continue to pick up from everyone they had in the past while notifying them that it is not a legal requirement for them to do so and that pickup is not guaranteed unless there is a contractual relationship with one of the dealers.

<b>INFORMATION ONLY</b>
-------------------------

### **UPDATE - 2002 SECTION 303(D) LIST**

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be provided with a draft 2002 Section 303(d) list. Under Section 303(d) of the Clean Water Act, states are required from "time to time" to submit a list of waters for which technology-based effluent limits for point sources will not be sufficient to meet all state water quality standards. States must also establish a priority ranking for the listed waters, taking into account the severity of pollution and uses. The Environmental Protection Agency must either approve or disapprove the list and if disapproved, the EPA must promulgate the list. In general, states are required to calculate total maximum daily loads (TMDLs) for the pollutants causing the impairments.

It is anticipated the draft 2002 303(d) list will be released for public comment in early August, prior to the EPC meeting. Following the public comment period, the list will be finalized and submitted to EPA to meet the October 2002 deadline.

Although EPA rules require submittal of 303(d) lists every two years, states were not required to submit a 2000 list due to uncertainty over proposed new EPA 303(d) rules (those rules were later withdrawn, but a new proposal is anticipated later this year). Iowa's previous list, the 1998 list, contained 157 water bodies with a total of 220 impairments. It is anticipated that the 2002 list will differ significantly from the 1998 list, mainly due to the "credible data" law passed by the 2000 General Assembly and the enhanced water quality monitoring program began in 1999.

(A copy of the 303(d) List is available in the Department's Record Center.)

Wayne Gieselman said the Creditable Data Law came into effect in the 1999 or 2000 Legislative session and the Department has incorporated the requirements of that law into this list. The list will need to be submitted to EPA who has the option to change it as they see fit.

Jack Riessen said the report is made up of three parts. The first is a cover and fact sheet that provides a review of the list. The second part is the actual 303(d) list that includes 159 water bodies. The final portion contains a list of the water bodies that were on the 1998 list that are not included in the 2002 list along with the reason for their omission. He said this list will be put out for public comment for thirty days with the hopes of submitting it to the EPA on October 1, 2002. Not included in this packet is a list of follow up waters that the Department has some indication of impairment but there is not enough creditable data available to put it on the 303(d) list. This list is currently being compiled and should be available in a couple of weeks. It will be used to target future monitoring efforts.

### INFORMATION ONLY

## MONTHLY REPORTS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

PROPOSAL	NOTICE TO Commission	Notice Published	ARC #	Rules Review Committee	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules Published	ARC #	Rules Committee	Effective
1. Ch. 20, Ch. 28 Ambient Air Quality Standards (CAFO)	7/22/02	*8/21/02		*9/09/02			*10/14/02	*10/14/02	*11/13/02		*12/03/02	*12/18/02
2. Ch. 22 Definition of Stationary Source Categories	5/20/02	6/12/02	1710B	7/09/02	7/11/02	7/26/02	*9/16/02	*9/16/02	*10/16/02		*11/05/02	*11/20/02
3. Ch. 28 Ambient Air Sampling Manual	8/19/02	*9/18/02		*10/01/02			*11/18/02	*11/18/02	*12/11/02		*1/07/03	*1/15/03
4. Ch. 35 Private Water Well Construction Permits	4/15/02	5/15/02	1619B	6/11/02	6/4-6, 13/02	6/07/02	*9/16/02	*9/16/02	*10/16/02		*11/05/02	*11/20/02
5. Ch. 60, Ch. 64 Stormwater Regulation Amendments	6/17/02	7/10/02	1778B	8/13/02	8/16/02	8/16/02	*9/16/02	*9/16/02	*10/16/02		*11/05/02	*11/20/02
6. Ch. 61 WQ Assessment Qualified Volunteers	12/17/01	2/06/02	1351B	3/08/02	2/27/02 3/01/02 3/07/02	3/07/02	6/17/02	6/17/02	7/10/02	1774B	8/13/02	8/14/02

7. Ch. 102 Wastewater Construction & Operation Permits	4/15/02	5/15/02	16 20 B	6/11/02	6/04/02	6/04/02	7/22/02	7/22/02	*8/21/02		*9/03/02	*9/25/02
8. Ch. 103 Animal Feeding Operations Interim Matrix							7/22/02	*7/22/02	*8/21/02		*9/03/02	*8/02/02
9. Ch. 103 Animal Feeding Operations Interim Matrix	7/22/02	*8/21/02		*9/03/02	*9/10/02	*9/10/02	*10/14/02	*10/14/02	*11/13/02		*12/03/02	*12/18/02
10. Ch. 103 Animal Feeding Operations County Construction Evaluation Resolutions	8/19/02	*9/18/02		*10/01/02			*11/18/02	*11/18/02	*12/11/02		*1/07/03	*1/15/03
11. Ch. 102 well Contractor Certification	4/15/02	5/15/02	16 18 B	6/11/02	6/4-6 11-13/02	6/07/02	*9/16/02	*9/16/02	*10/16/02		*11/05/02	*11/20/02
12. Ch. 102 Permits; Ch. 103 Sanitary Landfills (reincind); Ch. 103 SLF: Local Combustion Residue; Ch. 110 Design, Construction and Operation Standards for Solid Waste Management Facilities; Ch. 112 Biosolids Management; Ch. 113 Municipal Solid Wastes; Ch. 114 SLF: Construction and Demolition Waste; Ch. 115 SLF: Industrial Monofills	8/19/02	*9/18/02		*10/01/02	*10/08/02	*10/08/02	*11/18/02	*11/18/02	*12/11/02		*1/07/03	*1/15/03
13. Ch. 111 Financial Assurance Requirements for municipal SW Landfills	12/17/01	1/09/02	12 63 B	2/04/02	2/12/02	2/12/02	6/17/02	6/17/02	7/10/02	1 7 7 3 B	8/13/02	8/14/02
14. Ch. 117 waste Management (Open Burning)							7/22/02	7/22/02	*8/21/02		*9/03/02	*8/02/02
15. Ch. 118 Discarded Appliance Demanufacturing	3/18/02	4/17/02	15 40 B	5/15/02	5/14/02	5/14/02	*9/16/02	*9/16/02	*10/16/02		*11/05/02	*11/20/02
16. Ch. 133 rules for Determining Clean-Up Actions & responsible Parties	5/20/02	6/12/02	17 11 B	7/09/02	7/02/02	7/02/02	8/19/02	*8/19/02	*9/18/02		*10/08/02	*10/23/02

**Monthly Variance Report**  
August, 2002

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Ag Bio-Power, L.C.-Toledo	Air Quality		Permit Requirements	Approved	07/30/02
2	Ag Processing, Inc.-Sergeant Bluff	Air Quality		Permit Requirements	Approved	07/30/02
3	Brand FX-Swea City	Air Quality		Fuel Test	Approved	07/01/02

4	Hearth Technologies-Mt. Pleasant	Air Quality		Permit Requirements	Approved	07/16/02
5	John Deere Foundry-Waterloo	Air Quality		Permit Requirements	Approved	07/22/02
6	Koch Pipeline Company-Marshall County	Air Quality		Permit Requirements	Approved	07/09/02
7	The University of Iowa-Power Plant-Iowa City	Air Quality		Permit Requirements	Approved	07/12/02
8	Battle Creek, City of	Wastewater Construction	DeWild Grant Reckert and Associates Company	Pond Influent Piping	Approved	07/10/02
9	Battle Creek, City of	Wastewater Construction	DeWild Grant Reckert and Associates Company	Inlet Discharge Depression	Approved	07/10/02
10	Burt, City of	Wastewater Construction	Kuehl & Payer, Ltd.	Buried Discharge Valves	Approved	07/08/02
11	Kinross, City of (Regional Utility Services System-RUSS).	Wastewater Construction	Garden & Associates	Directional Boring, Sewer Slope	Approved	07/11/02
12	Fort Dodge, City of	Flood Plain	Continental Bridge	Freeboard	Approved	07/12/02
13	Nevada, City of	Flood Plain	Snyder Engineering	Freeboard	Approved	07/12/02
14	Fort Dodge Animal Health-Charles City	Wastewater Operation		Monitoring Frequency	Approved	07/10/02
15	Jasper County Regional Wastewater Facility	Wastewater Operation		Monitoring Frequency	Approved	07/22/02
16	Lost Canyon Mobile Home Park-Dubuque County	Wastewater Operation		Monitoring Frequency	Approved	07/22/02

17	Sioux City Police/Fire Department	Wastewater Operation	Ricky J. Mach-Sioux City Police/Fire Department	Monitoring Frequency	Approved	07/08/02
18	Stratford, City of	Wastewater Operation		Monitoring Frequency	Approved	07/22/02
19	Grandview, City of	Watersupply Construction	McClure Engineering Associates, Inc.	Siting Criteria	Approved	07/25/02
20	Top of Iowa Welcome Center-Northwood	Watersupply Construction	Yaggy Colby Associates	Design Basis	Approved	07/08/02

During the period July 1, 2002, through July 31, 2002, 97 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	73 (60)	9 (3)	51 (42)	13 (14)	28 (22)	36 (32)	2 (0)	0 (1)	2 (1)	5 (4)
November	72 (58)	8 (4)	49 (40)	15 (14)	28 (19)	33 (32)	2 (0)	1 (4)	0 (1)	8 (2)
December	57 (44)	2 (0)	44 (28)	11 (16)	22 (10)	28 (31)	2 (0)	0 (1)	2 (0)	3 (2)
January	81 (55)	4 (7)	59 (36)	18 (12)	21 (13)	53 (33)	0 (0)	3 (0)	0 (0)	4 (9)
February	62 (58)	4 (0)	44 (43)	14 (15)	20 (14)	37 (36)	1 (0)	2 (4)	1 (1)	1 (3)
March	93 (80)	8 (3)	68 (55)	17 (22)	27 (21)	57 (48)	1 (1)	1 (2)	3 (2)	4 (6)
April	155 (126)	47 (32)	83 (71)	24 (23)	44 (35)	99 (78)	2 (3)	1 (4)	5 (1)	4 (5)
May	112 (113)	29 (24)	73 (65)	10 (24)	22 (28)	81 (71)	0 (3)	2 (3)	0 (1)	7 (7)
June	117 (92)	20 (17)	79 (59)	18 (16)	31 (25)	70 (58)	6 (1)	0 (3)	1 (0)	9 (5)
July	97 (68)	6 (7)	69 (50)	22 (11)	19 (19)	71 (37)	3 (0)	1 (2)	0 (1)	3 (9)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	919 (754)	137 (97)	619 (489)	162 (167)	262 (206)	565 (456)	19 (8)	11 (24)	14 (8)	48 (52)

(Numbers in parentheses for same period last year)

Total Number of Incidents per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
15	15	11	10	30	16

\*The "Other" column includes the categories from the database of – Dumping, Fire, Theft, Vandalism, Unknown and Other".

During the period July 1, 2002, through July 31, 2002, 4 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	4 (5)	0 (0)	2 (2)	2 (2)	0 (1)	3 (4)	0 (1)	1 (0)	0 (0)	2 (1)
November	9 (3)	1 (0)	2 (2)	2 (1)	4 (0)	8 (3)	1 (0)	0 (0)	0 (0)	1 (1)
December	3 (2)	0 (0)	2 (1)	0 (1)	1 (0)	2 (2)	0 (0)	1 (0)	0 (0)	1 (0)
January	1 (1)	0 (0)	1 (1)	0 (0)	0 (0)	1 (1)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (4)	0 (0)	0 (4)	0 (0)	0 (0)	0 (4)	0 (0)	0 (0)	0 (0)	0 (2)
March	3 (2)	0 (0)	1 (1)	1 (1)	1 (0)	2 (1)	1 (1)	0 (0)	0 (0)	1 (0)
April	6 (6)	0 (0)	4 (3)	1 (0)	1 (3)	6 (5)	0 (1)	0 (0)	0 (0)	3 (0)
May	6 (3)	0 (0)	3 (3)	3 (0)	0 (0)	2 (3)	4 (0)	0 (0)	0 (0)	3 (0)
June	0 (2)	0 (0)	0 (2)	0 (0)	0 (0)	0 (2)	0 (0)	0 (0)	0 (0)	0 (0)
July	4 (3)	1 (0)	2 (2)	1 (1)	0 (0)	2 (3)	2 (0)	0 (0)	0 (0)	2 (2)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>36 (31)</b>	<b>2 (0)</b>	<b>17 (21)</b>	<b>10 (6)</b>	<b>0 (0)</b>	<b>26 (28)</b>	<b>8 (3)</b>	<b>2 (0)</b>	<b>0 (0)</b>	<b>13 (6)</b>

(Numbers in parentheses for the same period last

year)

Total Number of Incidents per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
2	0	1	1	0	0

<b>Name, Location, and Field Office Number</b>	<b>Program</b>	<b>Alleged Violation</b>	<b>Action</b>	<b>Date</b>
Doug Wedemeyer, Adair Co. (4)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Water Quality Violations – General Criteria	Order/Penalty \$2,500	7/1/02
Shenandoah, City of (4)	Wastewater	Discharge Limits	Order	7/1/02
Goldsmith and Son, Inc. d/b/a Goldsmith Trucking, Sergeant Bluff (3)	Air Quality	Construction Contrary to Permit; Open Burning	Consent Amendment	7/1/02
Amos Zimmerman Cantril Feed and Grain,	d/b/a Air Quality	Open Burning	Consent Amendment	7/02/02



## Van Buren Co. (6)

Nichols Casting, Davenport (6)	Aluminum	Air Quality	Permit Conditions	Consent Order \$8,000	7/03/0 2
Dodgen Industries, Inc., Humboldt (2)		Air Quality	Operation Without Permit	Consent Amendment	7/12/0 2
Midway Oil Company; David Requet; Moco Realty Co.; Davenport (6)		Underground Tank	Site Assessment	Amended Order	7/12/0 2
Midway Oil Company; David Requet, Davenport (6)		Underground Tank	Site Assessment	Order/Penalty \$6,430	7/12/0 2
Lehigh Portland Cement Co., Mason City (2)		Drinking Water	Monitoring/Reporting – Bacteria, Nitrate, Other Inorganics	Order/Penalty \$300	7/12/0 2
Mid-States Removal, Sioux City (3)	Asbestos	Air Quality	Asbestos	Consent Amendment	7/18/0 2
Futura Dairy, LLP, Linn Co. (1)		Animal Feeding Operation	Uncertified Applicator; Record Keeping; Monitoring/Reporting; Operational Violations	Order/Penalty \$5,000	7/18/0 2
Jason Strike, Allamakee Co. (1)		Animal Feeding Operation	Uncertified Applicator	Order/Penalty \$1,200	7/18/0 2
Poweshiek Water Assoc., Benton Co. (1)		Wastewater Hazardous Condition	Prohibited Discharge; Natural Resources Damage Claim	Order/Penalty \$10,000 Claim for Damages - \$323.48	7/18/0 2
Bog's Bar, Langworthy (1)		Drinking Water	Monitoring/Reporting – Bacteria; Public Notice	Order/Penalty \$400	7/18/0 2

Lester Davis, Marion Co. (5)	Air Quality	Open Burning	Consent Amendment	7/18/0 2
Seymour, City of (5)	Air Quality	Open Burning	Consent Amendment	7/18/0 2
BCD Corporation, Council Bluffs (4)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violations	Referred to AG	7/22/0 2
Braddyville, City of (4)	Wastewater	Compliance Schedule; Operational Violations	Consent Amendment	7/22/0 2
Iowa City, City of (6)	Wastewater	Compliance Schedule	Amended Order	7/22/0 2
Breezy Acres, Inc., Winnebago Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard; Water Quality Violations – General Criteria	Order/Penalty \$3,000	7/30/0 2
Kenneth Dahlhauser, Whittemore (2)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violations – General Criteria	Order/Penalty \$2,500	7/30/0 2

The following administrative penalties are due:

<b>Name/Location</b>	<b>Program</b>	<b>Amount</b>	<b>Due Date</b>
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Sac City, City of	WW	2,400	1-01-01
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01

## Environmental Protection Commission Minutes

August 2002

Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	10-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Jolly Roger Recreation and Marine, Inc. (North Liberty)	WW	2,000	2-05-02
Coralville, City of	WW	3,000	2-11-02
# Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.)	AFO/SW	2,500	2-14-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/ SW	1,100	3-08-02
Days Inn 2 <sup>nd</sup> Addition (Williamsburg)	WS	10,000	4-07-02
* Steve Friesth (Webster Co.)	AQ/SW	450	4-15-02
* Kiefer Built, Inc. (Kanawha)	AQ	5,000	5-30-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
Patrick M. Pinney Contractors, Inc. (Sioux City)	AQ	2,100	4-23-02
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Moonshine Tap (New Hampton)	WS	300	4-30-02
Bubba's Bar & Grill (Cresco)	WS	175	4-30-02
Richard and Charlotte Caves (Oskaloosa)	HC	10,000	5-03-02
Iowa Skate U (Iowa Falls)	WS	600	5-11-02
	WS	100	6-15-02
Lisa Collins d/b/a Collins Quality Cleaners (Ft. Madison)	AQ	1,000	5-17-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Vessel Systems, Inc. (Dubuque)	AQ	10,000	5-31-02
# Kris King (Audubon)	AFO	500	6-02-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
* George Redman (Mitchellville)	AQ	4,500	6-15-02
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Ellis Implement, Inc.; Douglas Shaffer (Coggon)	UT	2,170	6-25-02
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
Sid's Gas & Groceries (Forest City)	WS	200	6-26-02
Coin, City of	WS	250	6-28-02
St. John's Lutheran Church (Greene)	WS	250	7-02-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Leonard Anderson (Linn Grove)	UT	1,160	7-09-02
Mitchell Town Pump (Mitchell)	WS	500	7-09-02
Air Bears II (Thompson)	WS	300	7-13-02
Robert Marburger (Sabula)	UT	2,940	7-15-02
* Winter Mobile Home Park (New Hampton)	WS	1,950	8-15-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02

E02Aug-31

*#Roger Bockes, et. al. (Tama Co.)	AFO	1,900	8-01-02
Nichols Aluminum Casting (Davenport)	AQ	8,000	8-02-02
Stone Investments, L.C.; A-Line Iron & Metals (Waterloo)	AQ	1,000	8-06-02
Charles Lakin d/b/a Charles Lakin Ent. (Franklin Co.)	SW	2,500	8-09-02
Wellman Dynamics; Fansteel Wellman Dynamics (Creston)	AQ	2,500	8-11-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
* Paul L. Nagle (Clear Lake)	AQ	1,100	8-15-02
* Goldsmith and Son, Inc.; Goldsmith Trucking (Sgt. Bluff)	AQ	2,250	8-15-02
# Paul Johannes (Adams Co.)	AFO	500	8-17-02
Mid-States Asbestos Removal, Inc. (Sioux City)	AQ	2,000	8-17-02
Seymour, City of	AQ	1,400	8-17-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Rocky Knoll Mobile Home Park (Forest City)	WS	10,000	8-18-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
# Mark Pearson (Adams Co.)	AFO	250	8-23-02
Timothy Eischeid (Carroll Co.)	SW	2,000	8-25-02
Mt. Pleasant, City of	WW	1,000	8-31-02
Park View Motel (Oelwein)	WS	750	9-06-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
Lehigh Portland Cement Co. (Mason City)	WS	300	9-20-02
Poweshiek Water Assoc. (Benton Co.)	WW/HC	10,000	9-21-02
# Jason Strike (Allamakee Co.)	AFO	1,200	9-22-02
# Futura Dairy, LLP (Linn Co.)	AFO	5,000	9-22-02
Bog's Bar (Langworth)	WS	400	9-23-02
Braddyville, City of	WW	3,500	10-31-02
* Quality Mat Co., Inc. (Waterloo)	AQ	5,696	12-01-02
Midwest Farmers Coop (Sheldon) Natural Resources	WW	75,000	6-30-03
Damages			
Independence Mobile Home Park (Independence)	WS	800	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Alva Parker (Ringgold and Union Co.)	AQ/SW	10,000	-----
# Rome Pork, L.L.C.; William Huber (Jefferson Co.)	AFO	2,000	-----
Clifton Clark (Moorhead)	AQ/SW	1,500	-----
Dan Carnicle; Beaver Service & Repair; Sharon Carnicle	UT	2,500	-----
Garry B. Pellett; Pellett Chemical Co.; Charles R.	UT	2,645	-----
South			
Peter Cook (Grand Mound)	AQ/SW	5,000	-----
# Kenneth Dahlhauser (Whittemore)	AFO	2,500	-----
# Breezy Acres, Inc. (Winnebago Co.)	AFO	3,000	-----
<b>TOTAL</b>		<b>372,546</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97

## Environmental Protection Commission Minutes

August 2002

Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/W	3,000	11-04-98
	W		
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition;	AQ/SW	1,000	7-01-00
Clara Lindstadt (Des Moines Co.)			
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 <sup>th</sup> Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Lindhahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
West Liberty, City of	WW	5,000	
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
<b>TOTAL</b>		<b>179,094</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Titan Wheel International, Inc. (Walcott)	WW	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Dayton, City of	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer		

(Ft. Madison)	AQ	10,000
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
Onawa Country Club (Onawa)	WS	1,500
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Eagle Investors dba Manson Ampride (Manson)	UT	4,650
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
Midland Transportation Co. (Marshalltown)	UT	4,460
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
Long Branch Maintenance Corp. (Earlham)	WW	5,000
Trajet Products, Inc. (Glenwood)	AQ	10,000
Earlham, City of	WW	10,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000
Joe & Mary Schuster d/b/a Better-Flo (Callendar)	AQ/SW	1,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons (Whispering Woods - Council Bluffs)	WW	10,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	4,000
Adrian Skoda; Bowlaway Lanes (New Hampton)	WS	500
Sapp Bros. Truck Stops, Inc. (Percival)	WS	10,000
Brett George d/b/a Cedar Valley Tree Service; John Sohm	AQ/SW	7,000
Mike Messerschmidt (Martinsburg)	AQ/SW	500
Well's Dairy, Inc. (LeMars)	WW	10,000
William Habhab (Fort Dodge)	SW	1,500
Big Rock Country Club (Fayette Co.)	WS	1,500
# Lawrence Handlos (Audubon Co.)	AFO	3,000
Dennis Frederickson; Mark Frederickson (Cass Co.)	AQ/SW	5,000

## Environmental Protection Commission Minutes

August 2002

M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	10,000
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	10,000
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000
Minden, City of	WW	3,000
Jones Co. Conservation Board; Central Park	WS	250
Arthur, City of	WW	2,000
# Avery Feeder Pig Co. (Humboldt Co.)	AFO	3,000
Wellington Environmental (Davenport)	AQ	4,000
# Swine Graphic Enterprises; ADL V Sow Farm (Clarke Co.)	AFO	1,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
Deer Track Subdivision; F & J Enterprises (Mills Co.)	WW	4,000
ITWC, Inc. (Brooklyn)	AQ	7,500
Marion F. Murray; Murray's Transfer & Storage (Davenport)	UT	2,480
Wellington Environmental (Iowa City)	AQ	1,000
Grinnell Properties, Inc.; David Hamilton (Grinnell)	UT	5,920
Kevin Wallerich (Keota)	SW/WW	500
# Frank Siemans (Wright Co.)	AFO	3,000
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Allison, City of	AQ	10,000
Cordes Excavating; Clint Cordes (Allison)	AQ	1,000
Waukon Golf and Country Club (Waukon)	UT	2,480
Thombert, Inc. (Newton)	AQ	5,000
College Pro Painters (U.S.), Ltd. (Ames)	WW	10,000
Nevada, City of	WW	9,000
<b>TOTAL</b>		<b>418,390</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Maysville, City of	WS	500
# Dennis Kruger (Hancock Co.)	AFO	100
* Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	500
Amos Zimmerman; Cantril Feed and Grain (Cantril)	AQ/SW	1,000
* Advance Millwork, Inc. (North Liberty)	AQ	500
John Saathoff (Grafton)	AQ	500
* Paul L. Nagle (Clear Lake)	AQ	100
Nevada, City of	UT	1,000
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	75
Affordable Asbestos Removal, Inc. (Ottumwa)	AQ	2,900
* Goldsmith and Son, Inc.; Goldsmith Trucking (Sgt. Bluff)	AQ	750
Lester Davis (Polk Co.)	AQ	480
Hale Tap (Olin)	WS	100
Simonsen Industries, Inc. (Cherokee Co.)	WW	1,500
Midwest Farmers Coop (Sheldon) Natural Resources Damages	WW	75,000
* Winter Mobile Home Park (New Hampton)	WS	300
*#Roger Bockes, et. al. (Tama Co.)	AFO	100
<b>TOTAL</b>		<b>85,405</b>

The following SEP payments have been received:

# DeCoster Farms of Iowa; Sow Unit #3 (Hamilton Co.) SEP	AFO	2,000
Martin Marietta Materials, Inc. (Webster Co.) SEP	AQ/SW	17,500

The \$6,000 penalty assessed to Lemar Koethe (Dallas Co.) has been rescinded.

Name, Region Number	Location, and	Program	Alleged Violation	DNR Action	Updated Status	Date
Affordable Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Asbestos	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Date	3/20/00 4/19/00 2/26/01 4/20/01 12/09/01
Affordable Removal, Inc. Jeffrey Intelkofer Iowa City (6)	Asbestos	Air Quality	DNR Defendant	Defense	Petition Filed Answer Ruling Defendant's Notice of Appeal State's Brief Defendant's Brief	12/28/00 1/18/01 7/09/01 7/30/01 6/06/02 6/07/02
Bauer, Michael Davenport (6)		Underground Tank	Site Assessment	Order/Penalty	Referred	2/18/02
Bee Rite Tire Disposal, Inc. Rhodes, State Center (5)		Solid Waste	Solid Waste Violations	Order/Penalty	Referred	5/20/02
BCD Corporation Council Bluffs NEW	(4)	Wastewater	Operation Permit; Prevention Violation	Without Pollution Plan Order	Referred	7/22/02
Huyser, James; Trucking Lovilia (5)	Trust	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/99 4/18/99 9/20/99 9/20/99
Indian Creek Corp. Jasper Co. (5)		Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filled Motion for Partial Summary Judgment Hearing Ruling Denying Partial Summary Judgment Trial Judgment (\$95,000/Civil-Injunction) Appealed to Supreme Court	4/17/00 9/27/00 8/10/01 9/11/01 9/14/01 10/24/01 11/19/01 1/09/02
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4)		Animal Feeding Operation	Prohibited Discharge – Confinement	Referred to Attorney General	Referred	2/18/02
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition	4/17/99 6/01/01



## Environmental Protection Commission Minutes

August 2002

Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Permit	Without	Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 10/29/00
Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal		Order/Penalty	Referred	5/21/01
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)	Air Quality	Emission Limits		Referred to Attorney General	Referred	1/22/02
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal		Order/Penalty	Referred	2/15/99
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits		Order/Penalty	Referred Petition Filed	2/19/01 3/20/02
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations		Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order)	12/15/97 10/02/99 2/04/99 4/19/99 9/13/00 9/28/00
Severson, Dennis d/b/a Huxley Dry Cleaners Huxley (5)	Air Quality	Operational Violations		Order/Penalty	Referred	3/18/02
Sunrise Dairy Farms, LLC Benton Co. (1) <b>UPDATED</b>	Animal Feeding Operation	Construction Permit; Without Prohibited Discharge; Failure to Report a Release; Failure to Update MMP; Uncertified Applicator; Water Quality Violations		Referred to Attorney General	Referred Criminal Charges Filed Petition Filed Guilty Plea and Sentencing (Fine - \$75,000; Surcharge - \$22,500 Restitution to Benton Co. - \$26,000; Environmental Investment Fund – \$8,000 Consent Decree (\$10,000/Civil; Permanent Injunction)	8/20/01 2/07/02 2/07/02 7/31/02    7/31/02
Thomas, Donald L. and Barbara S. Linn Co.	Solid Waste	DNR Defendant		Defense	Petition for Judicial Review Answer	9/21/01 10/29/00
West Liberty, City of (6) <b>UPDATED</b>	Wastewater	Discharge Limits; Operational Violations		Order/Penalty	Referred Petition Filed Trial Date	7/16/01 1/30/02 1/21/03
Williams Pipeline Company LLC Waterloo/Dubuque/Milford	Air Quality	Construction Permit	Without	Order	Referred	7/16/01

(1, 3)

Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997, 8606993, 8606996 Clinton (6)	Underground Tank	UST Check	Closure; Site	Order/Penalty	Referred	1/22/02
--	---------------------	--------------	---------------	---------------	----------	---------

Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred	1/17/95
				Motion for Judgment	8/28/96
				Consent Decree (\$6,400/Admin.)	12/13/96
				Referred	3/30/98
				Petition Filed	9/01/00
				Defendant's Motion to Dismiss	9/08/00
				State's Resistance	9/19/00
				Denial of Defendant's Motion to Dismiss	11/07/00
				Motion for Partial Summary Judgment	2/16/01
				Hearing	4/26/01
				Order Granting Partial Summary Judgment	5/09/01
				Notice of Appeal	6/07/01
				State's Motion to Dismiss	6/18/01
				Defendant's Motion to Dismiss	6/19/01
State's Resistance	6/20/01				
Defendant's Dismissal of Appeal	7/06/01				
Order Denying Defendant's Motion to Dismiss	7/20/01				
Contempt Order	2/12/02				
Trial Date	6/11/02				

DATE RECEIVED	NAME OF CASE	F O	ACTION APPEALED	PROGRAM	ASSIGNED TO	STAUTS
11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	<b>Hearing continued pending negotiations. Settlement proposed 8/96. 7/19/02 Re-engagement letter and renewal of settlement offer sent 7/19/02.</b>
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
4/05/93	Mapleton, City of	4	WW Certification Operator	WW	Hansen	7/01 – City referred for Admin. Order for wastewater violations. 3/29/02 – Dept. engineer reviewing information submitted by City. Status report requested.
10/07/94	Titan Wheel International	6	Admin. /Penalty Order	WW	Hansen	1/31/02 – Dept. letter to company regarding resolution of appeal. 2/7/02 – Call from company attorney regarding letter. 3/29/02 – Dept. follow-up letter regarding prior letter.

1/13/95	Simonsen Industries, Inc.	5	Admin. /Penalty	Order	WW	Hansen	1/30/02 Update from Permits engineer further site needs to be approved, more information needed from Company's engineer. 2/27/02 Dept. letter regarding resolution of appeal. 4/02 Letter received from company attorney regarding penalty due. 5/31/02 Dept. letter to company attorney. 6/21/02 Letter from Co. attorney with settlement offer regarding penalty. 6/28/02 Dept. letter accepting penalty offer. Settled. 7/25/02 Penalty payment received. Case closed.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order		WW/HC	Tack	7/25/02 Settlement offer sent.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Penalty	Order/	WW	Clark	7/29/02 – Penalty settlement status request to appellant.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. /Penalty	Order	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Conditions	Permit	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Denial	Exemption	AQ	Preziosi	Settled. Case closed.
10/12/98	Ag Processing (Sergeant Bluff)	3	Permit Denial	Exemption	AQ	Preziosi	Settled. Case closed.
10/08/98	West Liberty, City of	6	Admin. /Penalty	Order	WW	Hansen	6/28/01 Proposed referral concerning NPDES permit violations to be place on July EPC agenda. 7/16/01 Referral to AG office by EPC. 1/30/02 District court petition filed by AG's office. 7/02 Settlement offer under consideration by City concerning AG referral and Dept. appeal.
11/30/98	Robert Diehl	5	Admin. /Penalty	Order	WW/WS	Murphy	5/1/01 – Preliminary engineering report approved 3/01. NPDES permit issued 3/28/02 with compliance schedule. Will monitor for compliance.
12/16/98	Richard Swailes		Permit Denial		FP	Clark	7/29/02 Sent to DIA.
1/13/99	Bernadette Ryan	1	Admin. /Penalty	Order	AFO	Clark	Negotiating before filing.
3/04/99	Dayton, City of	2	Admin. /Penalty	Order	WW	Murphy	2/14/02 Amended order. New facilities to be completed this year.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions		AQ	Preziosi	7/02 One issue of appeal remains to be settled.
4/26/99	Gerald and Judith Vens	6	Admin. Penalty	Order/	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions		AQ	Preziosi	Settled in concept. Need to finalize.

7/27/99	Affordable Asbestos Removal; Jeffrey Intlekofer	6	Admin. /Penalty	Order	AQ	Book	Hearing held 4/28/00. Judgment for DNR 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ will now rule on the remanded portion of the decision, awaiting the ALJ decision. ALJ decision cut penalty in half – remainder of case on appeal with Supreme Court. Case being handled by AG. DNR involvement is over. Case still with Supreme Court.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions		AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial		AQ	Preziosi	Negotiating before filing.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. /Penalty	Order	WS	Murphy	ALJ decision 2/8/02 affirmed order. No appeal. Awaiting installation of treatment facilities, at which time penalty will be rescinded.
10/22/99	Robert Fisher	2	Admin. /Penalty	Order	AFO	Clark	<b>6/05/02 Settlement request to appellant.</b>
11/15/99	Industrial Energy Applications	1	Permit Denial		AQ	Preziosi	<b>Permit applications to be submitted shortly.</b>
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. /Penalty	Order	WS	Tack	<b>Hearing set for 9/13/02.</b>
11/19/99	Climax Molybdenum Co.	6	Permit Denial		AQ	Preziosi	<b>Permit applications to be submitted shortly.</b>
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. /Penalty	Order	AFO	Clark	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order		HC	Wornson	Tier 2 report submitted 11/28/00. High risk. Review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions		WW	Hansen	<b>12/3/01 and 12/13/01 Dept. letters to City with further comments on facility plan. 1/28/2 Dept. letter to city with WQ based copper effluent limits. 3/8/02 City engineer letter concerning resolution of appeal issues and proposing new schedule. Letter being reviewed by WW permits engineer. 8/1/02 Dept. engineer requested revised construction schedule from the city.</b>
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order		SW/HC	Tack	Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 7/02.

## Environmental Protection Commission Minutes

August 2002

6/08/00	Leo Pieper	4	Admin. /Penalty	Order	AFO	Clark	<b>7/21/02 Tentative agreement on penalty settlement.</b>
6/14/00	Quality Mat Co., Inc.	1	Admin. Penalty	Order/	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01.
7/13/00	Dan Witt	6	Admin. /Penalty	Order	AFO	Clark	Negotiating before filing.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions		AQ	Preziosi	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. /Penalty	Order	WW	Tack	Construction permit application on file. Responsible part is working with WW section to achieve compliance. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built	2	Admin. /Penalty	Order	AQ	Preziosi	Settled. Penalty payment plan established. 5/02 – First two penalty payments received.
9/05/00	Thomas Kronlage	1	Admin. /Penalty	Order	AFO	Clark	Negotiating before filing.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Penalty	Order	AQ	Preziosi	Negotiating before filing.
10/02/00	Agriprocessors, Inc.	1	Variance Denial			Murphy	3/1/02 – City/industry progressing with facility improvements.
10/03/00	Friesen of Iowa, Inc.	3	Admin. /Penalty	Order	AQ	Preziosi	Meeting held 6/19/01. Negotiations continue.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. /Penalty	Order	AQ	Preziosi	Negotiating before filing.
10/06/00	Duane Crees	6	Admin. /Penalty	Order	AQ/SW	Tack	Default judgment to be entered in favor of Dept. Appeal closed. Penalty due.
10/20/00	AGP, Ag Processing	6	Permit Conditions		AQ	Preziosi	AGP has sold this facility. Checking with new owner regarding interest in appeal issue. Deadline 8/1/02.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. /Penalty	Order	WS	Hansen	11/6/01 – Settled. Facility agreed to pay penalty in installments. 11/29/01 – First installment of penalty received. 12/31/01 – Follow-up letter sent regarding penalty payment due. 1/15/02 – 2 <sup>nd</sup> penalty payment received. 2/18/02 – Penalty payment received. 4/8/02 – Follow-up letter sent regarding penalty. 4/24/02 – Payment received. 6/16/02 – Dept. letter to Co. attorney regarding penalty payment. 6/27/02 – payment received.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. /Penalty	Order	WW	Tack	Petition for judicial review filed. AG to handle.

11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Hearing continued indefinitely. Proposed settlement sent 4/25/02.
<b>11/28/00</b>	<b>AGP Ag Processing (Emmetsburg)</b>	<b>6</b>	<b>Permit Conditions</b>	<b>AQ</b>	<b>Preziosi</b>	<b>Settled. Case closed.</b>
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	3/1/02 – City/industry progressing with facility improvements.
12/05/00	Braddyville, City of	6	Admin. /Penalty Order	WW	Hansen	1/25/02 Dept. settlement offer to City Attorney. 2/1/02 City Attorney accepted offer. 3/02 Settled. Consent order to be entered into. 7/1/02 Dept. letter with consent order to city attorney. 7/22/02 Consent order signed by Director and issued. 7/29/02 City attorney sent motion to dismiss appeal to ALJ.
2/21/01	John Saathoff	2	Admin. /Penalty Order	AQ	Book	Hearing held 4/19/02. ALJ affirmed order. No appeal. Letter sent informing him of final decision and penalty payment request. 7/22/02 Penalty payment received. Case closed.
2/27/01	Floyd Kroeze	2	Admin. /Penalty Order	AFO	Clark	Negotiating before filing.
4/04/01	The Woods at Fox Hollow Homeowners Assn.	6	Permit Conditions	WS	Hansen	8/23/01 WS sent letter to WS section stating monitoring would be initiated. WS has begun to monitor but has not completed all required monitoring. 11/17/01 Dept. copied on letter from homeowner's association to developer concerning installation of a third well for the subdivision. 5/31/02 Letter to WS regarding decision to connect to another system or separate into two systems. 7/15/02 Dept. advised that 3 <sup>rd</sup> well was constructed. WS requested to be classified as a non-PWS since it does not meet criteria for PWS. 8/1/02 Dept. letter to WS about reclassification.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Meeting set for 12/03/01.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. /Penalty Order	SW/WW	Tack	Clean-up schedule agreement reached. Hearing continued to 11/08/02.
<b>4/27/01</b>	<b>Ag Processing Inc.</b>	<b>4</b>	Permit Conditions	<b>AQ</b>	<b>Preziosi</b>	<b>Settled. Case closed.</b>
5/01/01	Onawa Country Club and Golf Course	4	Admin. /Penalty Order	WS	Tack	7/23/02 Settlement offer renewed.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. /Penalty Order	UT	Wornson	Settlement agreement. Hearing continued.
5/29/01	Burco Farms, Inc.	1	Admin. /Penalty Order	AFO	Clark	Negotiating before filing.

## Environmental Protection Commission Minutes

August 2002

6/18/01	Noble Ford Mercury	5	Admin. Order /Penalty	WW	Hansen	7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order.
6/19/01	Eagle Investors, LLP d/b/a Manson Ampride	4	Admin. Order /Penalty	UT	Wornson	Compliance achieved, negotiating penalty pending change in UST fund rule.
6/19/01	John Hoth	5	Admin. Order /Penalty	UT	Wornson	Compliance initiated, penalty settlement pending completion of tank closure.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 3/14/02 – Notice received from bankruptcy court regarding proposed assumption of lease for plant by AgriProcessors, Inc.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co. (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	Settlement except for penalty. Hearing indefinitely postponed. Monitor compliance. Midway has failed to sign settlement agreement and is in breach of oral agreement.
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	Settlement except for penalty. Hearing indefinitely postponed. Monitor compliance.
<b>7/11/01</b>	<b>Lester Davis</b>	<b>5</b>	<b>Admin. Order/Penalty</b>	<b>AQ</b>	<b>Preziosi</b>	<b>4/24/02 Letter sent. 7/23/02- Penalty received. Case closed.</b>
7/16/01	Midland Transportation Co.	1	Admin. Order/Penalty	UT	Wornson	Midland filed for bankruptcy. Negotiating with trustee.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Negotiating penalty or SEP.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	4/15/02 - Proposed decision upheld by EPC. Petition for judicial review filed. AG to handle.
8/15/01	Trajet Products, Inc.	4	Admin. Order/Penalty	AQ	Preziosi	Hearing continued.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule. 3/27/02 – Dept. settlement offer with schedule for improvements. 4/29/02 – Letter received from WS attorney regarding settlement.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City attorney responded to Dept. offer.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Penalty settlement pending completion of Tiered assessment.

10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
10/02/01	Lawrence "Bub" Korver d/b/a Korver Development Co.	3	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
10/08/01	Ervin Jones; City of Swisher	6	Certification Denial	WW	Wornson	Compliance achieved except for probationary period.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	Hearing continued. Settlement agreement signed. Resolution of penalty pending completion of site assessment.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
12/07/01	Crestwood Acres	1	Admin. Order	WS	Murphy	Hearing held 5/21/02. Case to be held open for 60 days to monitor compliance. Facilities approved 6/13/02.
12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/01	Blair's Ferry Manor	1	Admin. Order	WS	Murphy	Case to be held open for 60 days to monitor compliance. 6/13/02 – Facilities approved.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/24/01	Joe & Mary Schuster	2	Admin. Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
1/04/02	Negus-Sons, Inc. (Whispering Woods)	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/14/02	George Redman	5	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Negotiating before filing.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues.
1/24/02	Bowlaway Lanes	1	Order/Penalty	WS	Tack	<b>Request for hearing made 7/29/02.</b>
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
1/29/02	Van Meter Development Corp. (Whispering Pines)	5	Order/Penalty	WW	Murphy	<b>Hearing set for 9/30/02.</b>
1/29/02	Advance Millwork of Iowa	6	Order/Penalty	AQ	Book	Settlement reached. Consent amendment signed. Payment plan



## Environmental Protection Commission Minutes

August 2002

						established. Payments on schedule. 7/16/02 Final payment received. Case closed.
2/08/02	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	<b>Hearing continued to 9/19/02 to allow City to submit updated report to Dept. for review. 7/1/02 Reports not yet submitted. 7/5/02 Dept. received letter from City attorney and City engineer; under review by WW permits section.</b>
2/25/02	Lee County	6	Permit Conditions	WW	Hansen	<b>5/31/02 Status report requested from WW permits section. Hearing set for 9/16/02.</b>
3/13/02	Sapp Bros. Truck Stops, Inc.	4	Order/Penalty	WS	Murphy	Negotiating before filing.
3/14/02	Brett George d/b/a Cedar Valley Tree Service	6	Order/Penalty	AQ/SW	Tack	<b>Settlement reached. Penalty to be paid by 8/15/02.</b>
3/20/02	Mike Messerschmidt	6	Order/Penalty	AQ/SW	Book	In the process of finalizing consent amendment.
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	City of Ft. Dodge attempting to enroll site in federal clean-up program. Appeal on hold until 10/02.
4/12/02	Well's Dairy, Inc.	3	Order/Penalty	WW	Hansen	<b>4/26/02 Letter sent to company attorney regarding request for stay of order. 5/21/02 Letter received from company attorney. 6/13/02 Dept. settlement response to Co. attorney. 7/02 Dept. letter to Co. attorney. Meeting set for 8/22/02.</b>
4/17/02	Lawrence Handlos	4	Order/Penalty	AFO	Clark	Negotiating before filing.
4/22/02	Big Rock Country Club	1	Order/Penalty	WS	Tack	Compliance to be reviewed after 8/1/02.
4/23/02	AssaAbloy Door Group, LLC d/b/a Curries Co.	2	Denial of Exemption for Construction Permit	AQ	Book	<b>Facility has until 6/1/02 to decide if they want a hearing. Under construction permit section review until 8/15/02.</b>
4/30/02	Dennis Frederickson; Mark Frederickson	4	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
5/01/02	Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash	6	Order/Penalty	WW	Murphy	<b>8/01/02 Sent to DIA.</b>
<b>5/01/02</b>	<b>Maysville, City of</b>	<b>6</b>	<b>Order/Penalty</b>	<b>WS</b>	<b>Murphy</b>	<b>6/12/02 Settlement offer. 7/11/02 Penalty received. Case closed.</b>
5/02/02	Minden, City of	4	Order/Penalty	WW	Hansen	Amended order to be issued to resolve appeal.
5/02/02	Mid-States Asbestos Removal, Inc. (Sioux City)	3	Order/Penalty	AQ	Book	<b>Consent amendment agreed to with reduced penalty. Awaiting penalty payment.</b>

5/02/02	Dennis Kruger	2	Order/Penalty	AFO	Murphy	6/26/02 Settlement proposed. 7/11/02 Penalty received. Case closed.
5/03/02	M.A., Inc.; Spring Grove MHP	6	Order/Penalty	WW	Hansen	Hearing held 7/30/02.
5/03/02	M.A., Inc.; Westside Park for MH	6	Order/Penalty	WW	Hansen	Hearing held 7/30/02.
5/07/02	Jones County Conservation Board; Central Park	1	Order/Penalty	WS	Hansen	Negotiating before filing.
5/07/02	Goldsmith and Son, Inc.; Goldsmith Trucking	3	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty and stipulated penalty if there are more violations within next 2 years. Penalty payment plan established and payments on schedule.
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	Negotiating before filing.
5/08/02	Swine Graphics Enterprises, L.P., ADL V Sow Farm	5	Order/Penalty	AFO	Murphy	5/17/02 – Sent to DIA. To be submitted to ALJ by stipulation.
5/09/02	Arthur, City of	3	Order/penalty	WW	Hansen	Negotiating before filing.
5/09/02	Amos Zimmerman d/b/a Cantril Feed & Grain	6	Order/penalty	AQ/SW	Preziosi	7/15/02 Penalty received. Case closed.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	Will resolve with other Wellington case. Appeal under consideration by Company.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	Negotiating before filing.
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	Meeting scheduled for 8/21/02.
5/30/02	Paul Nagle	5	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule.
6/03/02	Richard Caves	5	Order/Penalty	HC	Tack	Negotiating before filing.
6/11/02	Seymour, City of	5	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
6/14/02	Deer Track Subdivision; F & J Enterprises	4	Order/Penalty	WW	Murphy	Negotiating before filing.
6/17/02	Allison, City of	2	Order/Penalty	AQ	Preziosi	New case.
6/17/02	Clint Cordes; Cordes Excavating	2	Order/Penalty	AQ	Preziosi	New case.
6/27/02	Northwest Iowa Solid Waste Agency	3	Stipulated Penalties	SW	Tack	Negotiating before filing.
6/28/02	Ag Processing, Inc. (Mason City)	2	Permit Conditions	AQ	Preziosi	New case. Settled. Case closed.
6/28/02	Ag Processing, Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	New case. Settled. Case closed.

7/02/02	ITWC	5	Order/Penalty	AQ	Preziosi	New case.
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	<b>New case. Will resolve with other Wellington case. Appeal under consideration by Company.</b>
7/05/02	Marion Murray; Murray Transfer and Storage	6	Order/Penalty	UT	Wornson	New case.
7/09/02	Waukon Golf & Country Club	1	Order/Penalty	UT	Wornson	New case.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/WW	Tack	New case.
7/15/02	Grinnell Properties, Inc.; David Hamilton	5	Order/Penalty	UT	Wornson	New case.
7/22/02	Thombert, Inc.	5	Order/Penalty	AQ	Preziosi	New case.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Murphy	New case.
7/24/02	Frank Siemens	2	Order/Penalty	AFO	Clark	New case.
7/31/02	Nevada, City of	5	Order/Penalty	WW	Murphy	New case.
7/31/02	College Pro Painters	5	Order/Penalty	WW	Murphy	New case.

During the period July 1, 2002 through July 31, 2002, 5 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '01	9(5)	1	.0211	0	0(0)
November '01	4(1)	1	0.00133	2	0(0)
December '01	3(1)	2	3.50002	1	0(0)
January '02	4(5)	1	.007485	1	0(0)
February '02	5(2)	1.2	.012	2	0(0)
March '02	2(10)	1	.000125	0	0(0)
April '02	5(3)	1	0.50215	2	0(0)
May '02	2(10)	5.5	0.052	1	0(0)
June '02	3(6)	1	0.09667	1	0(0)
July '02	5(6)	2.2	0.17229	3	0(0)
August '01	9(0)	1.78	.044	0	1(0)
September '01	5(0)	1	.005	3	0(0)

(Numbers in parentheses for same period last year)

Note: data not previously collected,

Thus no data for the previous year

Total Number of Incidents per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
1	2	1	1	0	0

Mike Murphy informed the Commission the Sunrise Dairy case from Benton County was settled on July 31, 2002, with a plea bargain on the criminal case and a civil consent decree. He said they pled guilty to five negligent discharge violations and paid a variety of fines totaling a little over \$130,000 and a \$10,000 civil penalty. They are now in the process of getting permit for additional control structures.

<b>INFORMATION ONLY</b>
-------------------------

### **GENERAL DISCUSSION**

Wayne Gieselman said the Department has put together a cross divisional ethanol team to identify issues in ethanol production. He said there would be some money in the upcoming Farm Bill for promotion of ethanol production and this team is trying to identify issues that may need to be dealt with as production increases.

### **NEXT MEETING DATES**

The Commission discussed the location for the September meeting. It was decided that if Dr. John Downing could be scheduled to give a presentation that the meeting would be held in Clear Lake, Iowa, otherwise they would have the meeting in Clive as usual.

**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Murphy adjourned the meeting at 2:55 p.m., Monday, August 19, 2002.

---

Liz Christiansen, Deputy Director

---

Kathryn Murphy, Chair

---

Rita Venner, Secretary

## INDEX

### A

Adjournment, 50  
 Adoption of Agenda, 1  
 Ames Environmental, Inc  
     Contracts under \$25,000  
     Update, 21  
 Appointment  
     Friest, Laura, 17  
     Schultz, John, 16  
 Approval of Minutes, 1

### C

Call to Order, 1  
 Chapter 102 Permits (Revision)  
     Notice of Intended Action, 10  
 Chapter 103 Sanitary Landfills (Rescission)  
     Notice of Intended Action, 10  
 Chapter 103 Sanitary Landfills Cola  
     Combustion (New)  
     Notice of Intended Action, 10  
 Chapter 107, Beverage Container Deposits  
     Proposed Rule, 22  
 Chapter 110 Design, Construction, and  
     Operation Standards for Solid Waste  
     Management Facilities (Revision)  
     Notice of Intended Action, 10  
 Chapter 112 Sanitary Landfills Biolsolids  
     Monofills (New)  
     Notice of Intended Action, 10  
 Chapter 113 Sanitary Landfills Municipal  
     Solid Waste (New)  
     Notice of Intended Action, 10  
 Chapter 114 Sanitary Landfills Construction  
     and Demolition Wastes (New)  
     Notice of Intended Action, 10  
 Chapter 115 Sanitary Landfills Industrial  
     Monofills (New)  
     Notice of Intended Action, 10  
 Chapter 133 – Rules for Determining  
     Cleanup Actions and Responsible Parties  
     (Procedures and criteria for determining,  
     valuing, and recovering compensation for  
     damages to natural resources)

Final Rule, 19  
 Chapter 28 “Ambient Air Quality  
     Standards” (Ambient Air Sampling  
     Manual)  
     Notice of Intended Action, 17  
 Chapter 65 – Animal Feeding Operations  
     (County construction evaluation  
     resolutions)  
     Notice of Intended Action, 15  
 Commissioners Absent, 1  
 Commissioners Present, 1  
 Contract  
     MSB Associates, Inc  
         Iowa Interconnection Standards, 7  
         Solid Waste Alternatives Program  
         Habitat for Humanity - Quad Cities,  
         9  
         South Central Iowa Solid Waste  
         Agency, 9  
         Urban Resources and Borderland  
         Alliance Network, 9  
         Van's Sanitation, 9  
     The Energy Group  
         Marketing the Iowa Energy Bank  
         Program for Schools, 5  
     University of Iowa Hygienic Laboratory  
         2002 Cooperative Groundwater  
         Network, 12  
     University of Iowa Hygienic Laboratory  
         2003 Laboratory Certification, 14  
     USGS Joint Funding Agreement  
         Iowa Lakes Mapping and Sediment  
         Cores Study Project, 14  
 Contract under \$25,000  
     Ames Environmental, Inc  
         Update, 21  
     Iowa Prison Industries  
         Update, 21

### D

Davis, Richard  
     Referral to the Attorney General, 20  
 Director's Report, 2

Drinking Water State Revolving Fund - FY  
2002/2003  
Intended Use Plan, 13

## E

Espey, Hugh  
Public Participation, 4

## F

Final Rule  
Chapter 133 – Rules for Determining  
Cleanup Actions and Responsible Parties  
(Procedures and criteria for determining,  
valuing, and recovering compensation  
for damages to natural resources), 19  
Friest, Laura  
Appointment, 17

## G

General Discussion, 49

## H

Habitat For Humanity - Quad Cities  
Solid Waste Alternatives Program  
Contract, 9  
Horton-Plasket, Elizabeth  
Public Participation, 4

## I

Intended Use Plan  
Drinking Water State Revolving Fund -  
FY 2002/2003, 13  
Iowa Prison Industries  
Contract under \$25,000  
Update, 21

## J

Jordahl, Erin  
Public Participation, 5

## M

Monthly Reports, 24  
MSB Associates, Inc  
Contract

Iowa Interconnection Standards, 7  
Mulqueen, Bob  
Public Participation, 5

## N

Next Meeting Dates, 49  
Notice of Intended Action  
Chapter 102 Permits (Revision), 10  
Chapter 103 Sanitary Landfills  
(Rescission), 10  
Chapter 103 Sanitary Landfills Coal  
Combustion Residue (New), 10  
Chapter 110 XE "Chapter 103 Sanitary  
Landfills (Rescission):Notice of  
Intended Action" XE "Chapter 103  
Sanitary Landfills Cola Combustion  
(New):Notice of Intended Action" XE  
"Chapter 112 Sanitary Landfills  
Biosolids Monofills (New):Notice of  
Intended Action" XE "Chapter 113  
Sanitary Landfills Municipal Solid  
Waste (New):Notice of Intended Action"  
XE "Chapter 114 Sanitary Landfills  
Construction and Demolition Wastes  
(New):Notice of Intended Action" XE  
"Chapter 115 Sanitary Landfills  
Industrial Monofills (New):Notice of  
Intended Action" XE "Chapter 102  
Permits (Revision):Notice of Intended  
Action" XE "Chapter 110 Design,  
Construction, and Operation Standards  
for Solid Waste Management Facilities  
(Revision):Notice of Intended Action"  
Design, Construction, and Operation  
Standards for Solid Waste Management  
Facilities (Revision), 10  
Chapter 112 Sanitary Landfills Biosolids  
Monofills (New), 10  
Chapter 113 Sanitary Landfills  
Municipal Solid Waste (New), 10  
Chapter 114 Sanitary Landfills  
Construction and Demolition Wastes  
(New), 10  
Chapter 115 Sanitary Landfills Industrial  
Monofills (New), 10

Chapter 28 “Ambient Air Quality Standards” (Ambient Air Sampling Manual), 17  
 Chapter 65 – Animal Feeding Operations (County construction evaluation resolutions), 15

## P

Proposed Rule  
 Chapter 107, Beverage Container Deposits, 22  
 Public Participation  
 Espey, Hugh, 4  
 Jordahl, Erin, 5  
 Mulqueen, Bob, 5  
 Smith, Scott, 4  
 Public Participation  
 Horton-Plasket, Elizabeth, 4

## R

Referral to the Attorney General  
 Davis, Richard, 20

## S

Schultz, John  
 Appointment, 16  
 Section 303(d) List 2002  
 Update, 23  
 Smith, Scott  
 Public Participation, 4  
 Solid Waste Alternatives Program  
 Habitat for Humanity - Quad Cities  
 Contract, 9  
 South Central Iowa Solid Waste Agency  
 Contract, 9  
 Urban Resources and Borderland Alliance Network  
 Contract, 9  
 Van's Sanitation  
 Contract, 9  
 South Central Iowa Solid Waste Agency  
 Solid Waste Alternatives Program  
 Contract, 9

## T

The Energy Group  
 Contract  
 Marketing the Iowa Energy Bank Program for Schools, 5

## U

University of Iowa Hygienic Laboratory  
 Contract  
 2002 Cooperative Groundwater Network, 12  
 University of Iowa Hygienic Laborator  
 Contract  
 2003 Laboratory Certification, 14  
 Update  
 2002 Section 303(d) List, 23  
 Contract under \$25,000  
 Iowa Prison Industries, 21  
 Iowans' Solid Waste Management Opinion and Behavior Study Report, 2  
 Update  
 Contracts under \$25,000  
 Ames Environmental, Inc, 21  
 Urban Resources and Borderland Alliance Network  
 Solid Waste Alternatives Program  
 Contract, 9  
 USGS Joint Funding Agreement  
 Contract  
 Iowa Lakes Mapping and Sediment Cores Study Project, 14

## V

Van's Sanitation  
 Solid Waste Alternatives Program  
 Contract, 9